



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

NYPL RESEARCH LIBRARIES



3 3433 08181136 0











SEP 23 1912

4078

# INDIAN APPROPRIATION BILL

---

## HEARINGS

BEFORE A

 SUBCOMMITTEE OF THE  
COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE

SIXTY-SECOND CONGRESS

SECOND SESSION

ON

### H. R. 20728

A BILL MAKING APPROPRIATIONS FOR THE CURRENT AND  
CONTINGENT EXPENSES OF THE BUREAU OF INDIAN  
AFFAIRS, FOR FULFILLING TREATY STIPULA-  
TIONS WITH VARIOUS INDIAN TRIBES,  
AND FOR OTHER PURPOSES, FOR  
THE FISCAL YEAR ENDING  
JUNE 30, 1913

---

APRIL 16 AND 17, 1912

---

Printed for the use of the Committee on Indian Affairs

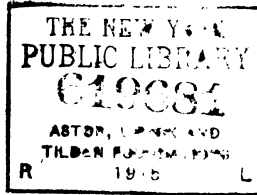
Checked  
May 1913

part 1-5

WASHINGTON  
GOVERNMENT PRINTING OFFICE

1912

4078



COMMITTEE ON INDIAN AFFAIRS.

UNITED STATES SENATE.

ROBERT J. GAMBLE, South Dakota, *Chairman.*

MOSES E. CLAPP, Minnesota.

CARROLL S. PAGE, Vermont.

PORTER J. McCUMBER, North Dakota.

WILLIAM J. STONE, Missouri.

GEORGE SUTHERLAND, Utah.

JEFF DAVIS, Arkansas.

ROBERT M. LA FOLLETTE, Wisconsin.

ROBERT L. OWEN, Oklahoma.

CHARLES CURTIS, Kansas.

GEORGE E. CHAMBERLAIN, Oregon.

NORRIS BROWN, Nebraska.

CLARENCE W. WATSON, West Virginia.

JOSEPH M. DIXON, Montana.

HENRY L. MYERS, Montana.

RALPH H. CASE, *Clerk.*

# INDIAN APPROPRIATION BILL.

TUESDAY, APRIL 16, 1912.

UNITED STATES SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,  
*Washington, D. C.*

The subcommittee met at 2 o'clock p. m.

Present: Senators Clapp (chairman), McCumber, Curtis, Stone, Owen, Chamberlain, Myers, and Ashurst.

## STATEMENT OF HON. R. G. VALENTINE, COMMISSIONER OF INDIAN AFFAIRS.

The CHAIRMAN. Mr. Commissioner, I suggest that you proceed with the bill, suggesting such points as you deem of vital importance and giving your reasons for any changes that you desire.

Commissioner VALENTINE. Mr. Chairman, the first item is on page 2 of the bill as it passed the House, line 3, for survey; etc. We asked for \$250,000 in the estimate, and the House gave us \$215,000. We also asked, later, in a supplemental estimate, for \$85,000, making a total request for allotment of \$335,000, and in that we asked to have \$35,000 made immediately available.

I do not think it is necessary to say that we feel this allotment work is a necessary preliminary to any permanent industrial progress on the part of the Indians. We have it a little over half done throughout the country, and at the present rate of progress it will probably take 10 or 15 years for us to complete it. That will mean, in many instances, that the Indians will not begin to cultivate or use their allotments for many years beyond the present time, when they might better begin now. For that reason we ask for this substantial increase. I think I should say that not only the original estimates, but the original estimates plus the supplemental estimates, as submitted, were less than the bill of last year. We cut down to the bone in order to try to keep the total down.

The CHAIRMAN. How much of this is subject to the provision to be repaid proportionately out of the Indian funds?

Commissioner VALENTINE. This entire appropriation is reimbursable.

The CHAIRMAN. I know it is reimbursable in terms, but is it in conditions?

Commissioner VALENTINE. No, sir; of course a great many of these allotments will be made on reservations that will have no surplus land and no other large funds of which there could reimbursement be made. On the other hand, the substantial amounts of it will be reimbursable actually.

There was also a provision in the original bill that I would like to see retained, as well as the \$35,000 immediately available, and that is a provision that we had in the first print of the House bill, and which I would like very much to be inserted. It is as follows:

*Provided further,* That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisal work, general or specific, are hereby made available for the purposes enumerated herein.

The CHAIRMAN. How much do you think there is of that?

Commissioner VALENTINE. I will send them to you, Mr. Chairman. I do not lay any great stress on that point because for the future I do not expect to have to ask for it. I think it is bad business to have these things overlap.

The next item is the irrigation item, page 2, line 20. In our original estimates we asked for \$355,000.

Senator CURTIS. That is on page 4—"in all, \$310,700." That is what they gave you.

Commissioner VALENTINE. Yes, sir; we asked for \$355,000. Now, this general irrigation item is used largely for small projects in different parts of the country. It is not a reimbursable appropriation, and it is one of the most useful industrially that we have. I would like very much to see that appropriation stand, as I feel that with the force we have and the machinery available we can make better use of the larger sum, and with the allotment get the Indians beginning.

Senator CHAMBERLAIN. That is, you want that restored to what it was last year?

Commissioner VALENTINE. No, sir; to what it was in our original estimate. As I said before you came in, we kept the total of the bill down; we cut the total of our estimates this year down below the estimates of last year, and, by various shifts in the bill cut down to the bone. We also asked in the original print for this proviso, which would come after the word "employed," in line 6, on page 4, and would read as follows:

*Provided also,* That there shall be covered into each fund, from whatsoever source derived, for construction or maintenance and operation of any irrigation project or system within the jurisdiction of the Indian service or preliminary surveys and investigations for determining the feasibility or cost of new projects in the Indian service, the proceeds of the sales of material utilized for temporary work and structures, as well as of the sales of any other property which had been purchased from such fund, and also any moneys refunded in connection with operations necessary for and incidental to such work; and for lands under any such project the Secretary of the Interior may fix annual maintenance charges, which shall be paid as he may direct, such charges, when collected, not to be covered into the Treasury, but to be immediately available for use for the maintenance and operation of the project or system for which collected.

Senator CHAMBERLAIN. That is in the present law, is it?

Commissioner VALENTINE. No, sir; the idea being simply to make available what goes into temporary works or uses for the permanent carrying out of the structure. As it is now, if we make an expenditure of that kind it goes back into the Treasury. Mr. Meritt reminds me that it is the same act as the reclamation law that was passed.

The next item, Mr. Chairman, is on page 4, lines 7 and 8, "for the suppression of the traffic in intoxicating liquors among the Indians, \$75,000."

The House committee gave us what we asked for in that item.

Senator CHAMBERLAIN. Is that sufficient? There have been a great many complaints made to me about the sale of intoxicating liquors on the reservations, particularly in the Siletz Reservation.

Commissioner VALENTINE. We could use more, but in going over the whole bill, as I say, and trying to keep it down, we did not feel like this year asking for more than that. We would not object to it for a minute. We could use another \$10,000 or \$20,000 to great advantage. The liquor business among the Indians is taking away at one end where the health campaign is trying to put something in at the other. We also ask a proviso to be attached to that item which would follow the word "dollars," in line 8, page 4, as follows:

*Provided, That the powers conferred by section seven hundred and eighty-eight of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs.*

Senator CHAMBERLAIN. What is the purpose of that?

Commissioner VALENTINE. The object of this is to provide the officers engaged in the suppression of the liquor traffic—I am reading from a letter signed by the Secretary—engaged among the Indians, with some authority and also some means of protection while engaged in that work.

Senator CHAMBERLAIN. Under the authority you have now in these reservations, have your special officers power to take possession of the intoxicating liquors—that is the power to seize them?

Commissioner VALENTINE. Yes, sir.

Senator CHAMBERLAIN. And the power to arrest?

Commissioner VALENTINE. Yes, sir; but at present these officers have no authority other than that contained in the act of Congress approved March, 1907, which reads:

The powers conferred by section twenty-one hundred and forty of the revised statutes upon Indian agents and subagents, and commanding officers of military posts, are hereby conferred upon the special agent of the Indian Bureau for the suppression of the liquor traffic among Indians and in the Indian country and duly authorized deputies working under his supervision.

We feel that it would strengthen their hands a great deal if that proviso could be inserted.

Senator CHAMBERLAIN. For the purpose of assisting us in the recommendations you are now making, would it be possible for you to take this bill as it passed the House and interline any suggestions that you want to make?

The CHAIRMAN. This hearing is being printed. The commissioner is referring to the page and line. So when he gets through with this statement we will have it before us.

Senator CHAMBERLAIN. That was done in the agricultural appropriation bill, and it assisted us very much.

Commissioner VALENTINE. I can give you the first print of the bill as it passed the House and call your attention to the parts underlined in red, the additions. That will help out I think.

The next item is on line 9, page 4, as follows:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, sixty thousand dollars.

We asked for \$75,000, and that is, I feel now, less than we should have. I have been making a very careful study of health situation, and it may well be that I shall recommend to the Secretary a further increase.

Senator CHAMBERLAIN. Is that taking into consideration the needs of the Fort Belknap Reservation? The increase there was \$15,000.

Commissioner VALENTINE. No, sir; that we ask later on. We are asking for that increase now, and also for an increase that would affect the Fort Belknap Indians in what we call the revolving fund for industrial purposes. But at the very least, I think it very important to put this \$15,000 back on this health appropriation, and it may be well for us to get our details in such shape that we should ask for an appropriation many times this amount for health.

The next item is on page 4, line 14, "for the support of the Indian day and industrial schools." We ask for \$1,500,000 and they give us \$1,450,000.

Now, all that is necessary to call your attention to in that appropriation is that particularly in the southwest there are something like 6,000 or 7,000 Indians who are still unprovided with school facilities, and I think this appropriation should be lifted until we are able to take care of all of them.

A very important matter in which the House gave us a reduction is the next appropriation, beginning on page 5, line 8:

For construction, lease, purchase, and repairs and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, four hundred and twenty-five thousand dollars.

We asked for \$650,000. I can not speak too strongly as to my feelings with regard to having an Indian school and agency plant, valued at upward of seven or eight millions of dollars, with an upkeep fund running to less than 2 per cent. You can see at a glance that it is absolutely impossible to keep buildings in repair—keep the absolute original cost intact, so to speak—to say nothing of any improvements, and it seems to me a very upside-down administration for us to be putting up buildings and for Congress to be continually assisting us and not provide for them.

The next item where the House has made no changes, I will just pass that by, unless you have some questions to ask. I refer to line 12, page 5, for collection and transportation of pupils. We asked for \$82,000 and the House gave it to us.

The industrial appropriation stands, for the purchase of goods and supplies? That is on page 7, line 3, \$285,000.

Also telegraph and telephone toll messages. That stands. The appropriation for witness fees stands.

"For expense of the Board of Indian Commissioners," we asked for an increase of \$1,000. The board feels that in fulfilling its function under the law it has not the means given it by Congress to do it right; that it should travel more, and it can not do that on the present appropriation. So at their request we asked for an increase of \$1,000.

Senator CHAMBERLAIN. Making it \$5,000?

Commissioner VALENTINE. Yes; instead of \$4,000. The House left it as it has been before.

Senator STONE. What was it before?

Commissioner VALENTINE. \$4,000. There was no change in the Indian police item, nor in that of the judges. Yes, they did make a

cut in the judges, but I think we felt that we could do with that all right.

The next item is the contingent item of the office of \$85,000. We asked for \$105,000. The estimates seem to have been subject to a mistake in printing. What we asked for was \$125,000, and the bill cuts us down to \$85,000. That is the one appropriation which the office has had and which, on the authority of the Secretary, it can make incidental expenditures to provide for unforeseen contingencies, and we feel that it should have very careful consideration.

Senator STONE. How much was it the last time?

Commissioner VALENTINE. Last year it was \$115,000.

Senator STONE. And you ask for what now?

Commissioner VALENTINE. \$125,000.

Senator STONE. Why do you wish that increase?

Commissioner VALENTINE. For the reason that there may be unforeseen needs. That is the only appropriation we have to meet contingencies which can not be estimated for in advance. It seems a comparatively small amount when compared with the total of the bill. It is expended only under the authority of the Secretary of the Interior, so that it is not solely within the jurisdiction of the Indian Bureau.

Senator STONE. What would be the effect upon the service of reducing this appropriation below the estimates, to \$85,000?

Commissioner VALENTINE. I think the effect would be pretty serious because it is the appropriation out of which some of our important overhead expenses come, and I feel already that there is great waste and loss in the Indian affairs because of insufficient management.

Senator STONE. What I wish to know is: In what way would the service be crippled or injured if the appropriation was confined to the sum stated in the House bill, \$85,000?

Commissioner VALENTINE. The chief crippling would come in its inspecting force.

Senator STONE. Traveling expenses?

Commissioner VALENTINE. Both that, and not being able to have a sufficient number of traveling men. You see the only check there is between the Indian Office here in Washington and its 150 or so superintendents scattered throughout 26 States, is the supervision that we are able to give it by means of special agents and supervisors visiting those points, and it is only within the last two years that we have had anything like an efficient inspection service. When that service first began work it found places that had not been visited by an inspecting official for many years. I think, in one case, as far back as seven years.

Senator STONE. How many inspectors have you now, Mr. Commissioner?

Commissioner VALENTINE. We have in what we call the investigating force 7 men, and in the construction work 2 men—that is work dealing with construction and repair of buildings. In the school service there are 9, and in the industrial work there are 5, and then, beyond that, men who travel around and frequently give us valuable points about our field work—men who are in the liquor service, of which there are 10; the health service, 3; the allotting agents 10, and the forestry work, 7.

Senator STONE. What do they do?

Commissioner VALENTINE. They have general care and supervision of the 10,000,000 acres or so of the Indian timber lands.

Senator STONE. Is that in your bureau?

Commissioner VALENTINE. Yes, sir; timber lands on Indian reservations, about 10,000,000 acres, valued at nearly \$100,000,000. In the irrigation service there are eight men.

Senator STONE. Have you the total?

Commissioner VALENTINE. I can give you that in a minute.

Senator OWEN. On page 4, lines 7 and 8, there is provided for the suppression of the traffic in intoxicating liquors among Indians \$75,000. I would like to have the words, "including Oklahoma," inserted there, because I think the interpretation would not include Oklahoma unless it was expressly so provided. I would like to ask the commissioner as to that.

Commissioner VALENTINE. If there is any doubt about it I would would like to have it included. We have men in Oklahoma.

Senator OWEN. There has recently been a decision of the circuit court with reference to the Five Tribes, holding that the old law obtained there, and the Government has recently been more active in trying to suppress liquor in the Five Tribes than before. Have you any men in the Five Tribes?

Commissioner VALENTINE. We have no men permanently stationed there. We have a man in the Osage country.

Senator OWEN. I do not think you have been recognizing the Five Tribes as within that jurisdiction.

Commissioner VALENTINE. We are making our plans now to do so, since the Freedman case was decided. I had not thought there was any doubt about our jurisdiction, but if there is I would like to have that done.

Senator CHAMBERLAIN. When you provide for making a special exception as to Oklahoma, you might raise the question as to other places where you are working now.

Commissioner VALENTINE. That would be unfortunate.

Senator STONE. What is the total of those?

Commissioner VALENTINE. Sixty-one, including those directly engaged.

Senator STONE. Now, at \$2,000 a year salary, how much is that?

Commissioner VALENTINE. That would be \$120,000.

Senator CURTIS. You pay about \$130,000 a year in salaries?

Commissioner VALENTINE. At least; yes, sir.

Senator STONE. Just for salaries?

Commissioner VALENTINE. Yes; without any traveling expenses.

Senator STONE. How are you going to get along with the sum you asked for?

Commissioner VALENTINE. I was just about to explain that. Of course, a large number of those do not come out of this appropriation. The forestry men come out of the industrial appropriation. The irrigation men come out of the irrigation appropriation. The allotting agents come out of the allotment appropriation.

Senator STONE. The information I was seeking was to know how many agents were to be provided for by this particular provision.

Commissioner VALENTINE. I think from this particular fund it would amount to—

Senator CURTIS. \$30,000, is it not?

Commissioner VALENTINE. Something like that.

Senator CURTIS. I was reading it up last night. It is about \$30,000, out of this \$80,000, in salaries.

Senator STONE. That is what I wanted to get at. It is about \$30,000 that is paid out of this appropriation to special agents?

Commissioner VALENTINE. Yes, sir.

Senator STONE. That leaves \$55,000 for expenses?

Commissioner VALENTINE. Yes, sir.

Senator STONE. Under the House bill?

Commissioner VALENTINE. Yes, sir.

Senator STONE. Now, what is it that you ask for?

Commissioner VALENTINE. \$125,000.

Senator STONE. Then you wish \$40,000 additional?

Commissioner VALENTINE. Yes, sir; but not of course for the expenses of these men.

Senator STONE. You think \$55,000 would not be sufficient to cover the traveling expenses of agents receiving \$30,000 in salaries?

Commissioner VALENTINE. We spent last year in traveling expenses for employees as superintendencies, \$26,000.

Senator STONE. Last year?

Commissioner VALENTINE. Yes, sir.

Senator STONE. You mean for these same agents?

Commissioner VALENTINE. I can not tell you definitely as to that. I will have to get those figures from my books. I can furnish the figures to-morrow.

Senator STONE. It is substantially that, do you not think?

Commissioner VALENTINE. Yes, sir; I think so.

Senator STONE. Then, if you only spent \$26,000 last year for these agents, why do you wish \$95,000 now?

Commissioner VALENTINE. Here are the estimates as they are listed from the appropriation in the year 1911, aggregating \$100,000. The first is miscellaneous allotment expense, \$308; irrigation, \$48,000—

Senator STONE. You are going now into special agencies, I understand, that are not covered by this provision.

The CHAIRMAN. That is what he is giving you now, what is included in this.

Commissioner VALENTINE. I am giving you the kind of expenditures made from this appropriation in the fiscal year 1911. Those of course are small items.

Senator STONE. I do not think we ought to confuse this appropriation with some other.

Commissioner VALENTINE. I am reading you now the way in which this appropriation was spent last year, and the items are as follows:

Miscellaneous allotment expenses, \$308; irrigation, \$48.86; inspection, \$30,513.21; traveling expenses at superintendencies, \$17,520.32; salaries of employees at superintendencies, \$26,379.16; miscellaneous, \$25,315.08, making a total of \$100,084.63.

The last item of \$25,000, in round numbers, includes the expense of three competency commissioners, amounting to \$5,251.63.

I would like also to put alongside of that another analysis of these expenditures—and I will simply read the hundreds to save time:

All kinds of employees, \$47,900; repair material, \$312; heat, light, and power, \$802; subsistence, \$211; hardware, furniture, etc., \$1,678.36; medical supplies, \$347; purchase of live stock, \$460; forage, \$3,300; traveling expenses, \$38,170; telephoning, etc., \$1,168; stationery and office supplies, \$4,188; miscellaneous, \$1,482.77.

That gives you an additional idea of some of the things for which contingencies are used.

Senator CURTIS. The next item is with regard to Arizona and New Mexico.

Senator ASHURST. Mr. Chairman, when you reach the proper place, I will suggest an amendment as to Arizona. If I may revert to page 10, page 14 of the comparison, on line 22, after the word "dollars" on said line 22, I desire to propose the following amendment:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June eighth, eighteen hundred and sixty-eight, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August twelfth, eighteen hundred and sixty-eight, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or industrial day schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

Senator OWEN. It is on the calendar, No. 76. It is reported from the department favorably.

Senator CURTIS. What do you say about that, Mr. Commissioner?

Commissioner VALENTINE. I think that is one of the most important items you could possibly have.

Senator ASHURST. I think, in view of the honorable commissioner's statement, there is nothing further for me to say except that I have lived near those Indians. I think they ought to have this appropriation in order to give them the benefit of civilization. It is a splendid tribe of Indians.

The CHAIRMAN. While we are on it, if it is the sense of the committee, we had better dispose of it, and I will put the question on the adoption of the amendment.

The amendment was agreed to.

The CHAIRMAN. Before you go any further I would like to settle one question as to the view which the department holds in regards to this Oklahoma matter that Senator Owen raised. Is there any doubt in the mind of the department but what that \$75,000 applies to Oklahoma?

Commissioner VALENTINE. There has not been. Mr. Meritt says there has been none in his mind. I personally have not thought there was any doubt about it.

The CHAIRMAN. Have you understood that there was, Senator Owen?

Senator OWEN. Yes; I had understood that there was a question about it, and that was the reason I suggested that it should be definitely included.

Senator CURTIS. Why can you not wire to-night and ascertain whether that should be included and then let us know?

Senator OWEN. The fact is that the Five Tribes occupy the same position toward intoxicating liquors as they did toward Statehood—that liquors could not be introduced into that country.

Senator CURTIS. Would that help out their condition? I know they have had men down in Oklahoma.

Senator OWEN. I thought they had been construing this appropriation as applying particularly to other parts and not as applying to Oklahoma.

Senator CURTIS. No; they have had them in Oklahoma, or the Indian Territory proper.

The CHAIRMAN. It is your understanding, without any specific provision, that it does apply?

Commissioner VALENTINE. Yes, sir.

Senator OWEN. You had Johnson down there, and he did good work.

Commissioner VALENTINE. Yes, sir; and it was in the Five Tribes, in fact, that this appropriation had its inception, and it was extended from there throughout the country.

Senator OWEN. It was \$40,000 when it started.

Commissioner VALENTINE. No; it was \$10,000 or \$15,000.

The CHAIRMAN. It was only \$20,000 some time ago. You may proceed, Mr. Commissioner. I simply wanted that point settled.

Senator ASHURST. Mr. Chairman, I am very unfamiliar with these proceedings, but my distinguished colleague, Mr. Smith, of Arizona, has proposed an amendment to be offered to this bill.

The CHAIRMAN. What is the calendar number?

Senator ASHURST. I can give you a copy of the amendment.

The CHAIRMAN. I see that it is Calendar No. 203.

Senator ASHURST. It is on page 13 of the comparison.

Senator CURTIS. That is what you desire to be heard on in the morning. Do you want the commissioner to say anything about it now?

Senator ASHURST. I do not wish to be heard. My colleague would like to be heard. I simply did not want it displaced.

The CHAIRMAN. It would not be displaced.

Senator ASHURST. Well, we can then pass it over and take it up in the morning.

The CHAIRMAN. Unless you desire to ask the commissioner his views while he is here at this time.

Senator ASHURST. I would like, with the permission of the committee, to ask the views of the commissioner with reference to the amendment that I have suggested.

I will state briefly my view. The bill itself provides that this \$25,000 shall be spent for borings to ascertain possibly where water is, and to develop water. We felt that that might not be as wisely expended as it would be if the money were expended in the institutions, or in the reclamation demands for the benefit of the Indians. It is just simply a question of how it shall be spent, whether in borings for water or whether it shall be used in a way that it would be permanent, like the acquisition of a dam site, and proper foundation being laid in future that the dam might be built. Then the \$25,000 will be a permanent investment, except possibly for borings that might not be so permanent. I would be very much pleased to have the view of the honorable commissioner on it.

Commissioner VALENTINE. My recollection is, Mr. Chairman, that the department has recommended an item of this kind. I do not recall the exact wording but if there is anything more that I should say about it I would be very glad to do it.

The CHAIRMAN. You can submit your statement in the morning. You may now proceed with the bill.

Commissioner VALENTINE. We have not gotten through with the Arizona items. We ask for an increase over what we had last year of \$50,000, making a total of \$380,000. The House gave us \$330,000.

Senator CHAMBERLAIN. That is the same as last year?

Commissioner VALENTINE. Yes, sir. I think it is very important that we have that increase in the Southwest. For the Fort Mojave School (lines 19 to 24, p. 8) we ask for \$39,900. They gave us \$38,400, just as I mentioned a moment ago in connection with our general repair and improvement funds for school and agency buildings. I put in a slight increase throughout the bill for repairs and improvements at these specifically appropriated for schools, feeling that our upkeep fund was not sufficient. I think in most cases the House cut them out. So I shall not mention each one as I come to it in passing, but simply call the attention of the committee to the fact that the two or three hundred extra that we asked for for each school, I consider very important from the point of view of not having a building, and letting it knowingly run to waste. I will just pass over these schools unless there is some question to be asked.

The CHAIRMAN. Except you have a connection between that and the pending bill. I suppose that could be obtained, however, by taking the original bill as it came from the House?

Commissioner VALENTINE. Yes, sir.

The CHAIRMAN. However, I think, Mr. Commissioner, as we are having these proceedings reported, you had better go right through the bill and note the differences.

Commissioner VALENTINE. I will just mention them rapidly in passing.

On page 9, lines 1 to 6, the Phoenix School. We asked for \$130,400, and they cut it to \$127,400, and the reasons are the same as I mentioned in connection with the Fort Mojave School.

The next is in line 7, for the school at Truxton Canyon, Ariz. We asked for \$23,700. They cut it to \$21,200. At that point, after the word "dollars" in line 11, two items are omitted that we asked for. The first one reads as follows:

For constructing dike to protect allotments on the Fort Mojave Indian Reservation, thirty-three thousand dollars.

The second reads:

For continuing the construction of necessary canals and laterals for the utilization of water in connection with pumping plant for irrigation purposes on the Colorado River Indian Reservation, Arizona, as provided in the act of April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and seventy-three), for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land and for maintaining and operating the pumping plant, thirty-five thousand dollars, reimbursable as provided in said act.

That is the beginning of the Colorado River irrigation project. We asked for \$35,000, and the House cut it out. We feel that it is very important to make that start this year.

The next one, which would come right in after those two, reads as follows:

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the Gila River Indian Reservation, forty thousand dollars.

Then follows a proviso which provided that this appropriation should be reimbursable. We came before some of you gentlemen informally the other day, asking that that appropriation be made not reimbursable, and I have sent a telegram to the Pima Indians proposing the items substantially along the line that you had, Senator Chamberlain, and have not heard from them as yet. So I would like to submit some more on that particular item before the consideration of the bill is closed. It is an item that provides that the \$500,000 which has already been spent for irrigating the land of the Pima Indians shall not be reimbursable as now provided by law. As long as it remains in the allottee or his heirs he shall pay nothing for it, but when he sells it the purchaser shall pay for the water rights.

Senator MYERS. The Reclamation Service has submitted something on that line, too.

Commissioner VALENTINE. Yes, sir; the next item that I should speak of, Mr. Chairman, I think is on page 10, lines 10 to 13, as follows:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Arizona, to be immediately available, five thousand dollars.

That is a very important item, and the next one is one that we all agree would be of benefit to the Navajo Indians. At that point, page 10, line 22, in our supplementary estimates, we recommend the insertion of the following item:

For the beginning and enlargement of the irrigation system and the construction of a dike for the protection of the Indian lands for the Papago Indian Reservation, Arizona, against semiannual floods, the total cost of the work not to exceed one hundred and thirty thousand dollars, to be immediately available one hundred thousand dollars.

The proposition there is very briefly this: It is explained at some length in the supplemental estimates which you will find in House Document No. 432, Sixty-second Congress, second session. The Santa Cruz River, which you have all crossed if you have been over the Southern Pacific Railway just this side of Maricopa, wanders all over the country, cutting it up badly, and it will be impossible for the Indians who have their farms in there to have anything permanent until such a dike is built to keep this river in some sort of condition. They have been settling there for a great many years and we feel it very important that this should be done.

Senator OWEN. How many Indians are there?

Commissioner VALENTINE. There are approximately 1,200 acres now under cultivation in this area. I could not tell you off-hand just how many Indians there are in this area. All through that section of the country there are over 4,000, but just how many would come under this provision, I would have to look that up in order to inform you.

Senator OWEN. How many acres did you say?

Commissioner VALENTINE. Thirteen hundred acres.

Senator OWEN. And to spend how much?

Commissioner VALENTINE. Twelve hundred are now under cultivation, but this provision covers a great many more than that. Up to the present time they have been unable to make any good use of their farms.

Senator OWEN. Why could they not go somewhere where it would not be so dangerous?

Commissioner VALENTINE. I think with the dikes that our engineers plan, and the control of the underflow, or underground water, that this is as good a place as any. The soil is wonderful.

Senator CHAMBERLAIN. It is pretty expensive, on your showing.

Commissioner VALENTINE. I would have to find the actual number of acres. It is about 8,000 acres.

Senator OWEN. Would there be any way of reimbursing the Government?

Commissioner VALENTINE. No, sir; there would be no way. There would be about 8,000 acres that would be covered by the present water supply.

Senator OWEN. It does not seem to me we ought to make an expenditure of that kind.

The CHAIRMAN. Is this land that would have to be irrigated?

Commissioner VALENTINE. Yes, sir. This land is very similar to that of the Pima Reservation. Many of those Indians have been allotted in that section, and their trust patents will expire in a few years. It is land that is now almost valueless. I think it is perfectly fair to say—and the Senator knows that country well—that it would be anywhere from \$200 an acre up.

The CHAIRMAN. Is the irrigation project already in operation there?

Commissioner VALENTINE. No, sir.

Senator OWEN. This dike that you speak of is intended to prevent the overflow of the river, is it?

Commissioner VALENTINE. Yes, sir; and to prevent the river from washing all over the country there, and bring such water as is available into control.

Senator CHAMBERLAIN. Is there not a good deal of silt in that stream? Would it not soon bank up?

Commissioner VALENTINE. We are not expecting to build a dam. I can give you more details with regard to this matter at the next meeting, and can furnish the specific plan showing the engineer's proposition. As I say, you will find the matter dealt with more at length in this House document.

Senator OWEN. What is the theory, Mr. Commissioner, that the Government should pay this money out on? Is it just as a gratuity to the Indians?

Commissioner VALENTINE. This would be a gratuity for the purpose of getting them on an industrial basis. You understand, that these Indians in the Southwest have been irrigation farmers for hundreds of years. It is not a mere theory.

Senator MYERS. How much is it proposed to expend?

Commissioner VALENTINE. One hundred thousand dollars. The total cost is estimated at \$130,000.

Senator MYERS. What tribe is it?

Commissioner VALENTINE. It is the Papago Indians. There are about 4,000 of them settled at that place.

The CHAIRMAN. That does not include the irrigation plans for them?

Commissioner VALENTINE. Yes, sir; the total cost of fixing things so that they can get their land under cultivation with water.

The CHAIRMAN. It is including irrigation?

Commissioner VALENTINE. Including irrigation; yes, sir—estimated at \$130,000. It should also be considered that it will provide these people with real homes. I think, under the circumstances, it is a pretty cheap proposition.

The CHAIRMAN. How would it do to provide that when the trust expires the cost of this should be a lien, and in the case of their alienation of land, it should be charged to the land?

Commissioner VALENTINE. Well, I think that that land is certain to increase in value, after irrigation and use from \$100 up, and I think it is a perfectly just charge.

Senator OWEN. That is the reason I was asking you why it should not be made reimbursable. These trust patents will expire in a short time, and the money may pass into the hands of people who have no such claims.

Commissioner VALENTINE. That is just it; I was thinking that the surplus land of some sort would make it reimbursable, but I see no objection at all to making the same provision apply here that we put up to the Pima Indians with regard to their land.

Senator OWEN. What is that?

Commissioner VALENTINE. That is that as long as the land remains in the allottee, or his heirs, if they hold it for a hundred or a thousand years, there is nothing to pay, but when it is sold the purchaser has to pay for the water rights.

Senator OWEN. I think that would be all right.

The CHAIRMAN. I suggest that you attach that proposition. You may now proceed with the next item.

Commissioner VALENTINE. The next item is California: "For support and civilization of Indians in California, including pay of employees," etc., page 10, line 24—

Senator CURTIS. You may just pass those that are all right.

Commissioner VALENTINE. We asked for \$117,350 for the Sherman Institute and we got \$104,350. That I feel we should have, if possible.

Senator MYERS. How much did you ask for?

Commissioner VALENTINE. \$117,350.

The CHAIRMAN. The difference would go into repairs, would it not?

Commissioner VALENTINE. It would go into repairs and some out-of-door sleeping quarters for the children, and things of that sort.

The next item is Florida. There is nothing there. That simply makes the old appropriation reimbursable.

There is nothing for Idaho.

Kansas—for Haskell Institute we asked for \$140,750 and got \$137,750. That I would like to see restored for the reason I have given as to all of those schools.

For the Kickapoo school we asked for \$20,360 and got \$17,860.

In Michigan we asked for the Mt. Pleasant school \$59,300, and got more than we asked for. We have therefore no complaint to make about that.

In Minnesota, for the Pipestone School, we asked for \$44,175 and got \$43,375, by reducing the repair fund.

The CHAIRMAN. You have got to have \$1,500 there for a drain to take care of that water at the falls. I do not know whether you are familiar with that.

Commissioner VALENTINE. Yes; I saw something about that the other day.

The CHAIRMAN. I will ask to put it in when we reach the bill.

Commissioner VALENTINE. The next item simply appropriates out of the tribal funds. There is no extension of costs of the estimates. I think there is nothing more in Minnesota.

Montana: I do not know that there is anything with regard to Montana that I should speak about officially; but personally I feel, and shall take the matter up with the Secretary, that that \$15,000, on line 17, page 15, should be increased to \$25,000 in the light of recent reports of the supervisor.

Senator MYERS. That is the Fort Belknap Reservation?

Commissioner VALENTINE. Yes, sir.

Senator ASHURST. There was a gentleman who called on me yesterday and spoke at great length about some abuses on the Fort Belknap Reservation. I presume some report has been made to you upon that subject?

Commissioner VALENTINE. Our supervisor has been making some reports from there. He found a rather bad condition of affairs.

On page 16, lines 4 to 14, after the Flathead Reservation in Montana, we felt, and I am quite sure that the department feels—and if I find I am mistaken I will let the committee know—that it is a mistake, since we have begun this big project, to limit the amounts as they are limited here. There has been a proposition, and I think a feeling in the House, that these big projects of the Flathead, Blackfeet, and Fort Peck should be limited to certain units on the reservation. These particular projects are in the hands of the Reclamation Service, and it seems to the Indian Office better that the work on the reservation should be outlined as a whole, even where it can be divided into units, and all the Indians provided for as nearly as possible, equally at the same time, rather than to go ahead and develop any unit and leave the other Indian land entirely out. I think that any question that should arise should arise before a project has begun as to the advisability of the whole affair rather than after it has been started. Now, all of these have been begun.

The Indians are expecting irrigation. The total cost has been pretty clearly estimated by the Reclamation Service, and I can not help feeling that it is a good deal like having a tooth out; that it is better to go ahead and have it over with than to be simply dribbling along each year with one hundred or two hundred or three hundred thousand dollars appropriation when we know we have got to expend \$4,000,000, for example, on the Flathead, and we should have the Indians provided for at the earliest possible day.

The CHAIRMAN. The committee this morning raised that item from \$200,000 to \$400,000, making \$50,000 immediately available.

Commissioner VALENTINE. That would very largely meet that point, although, as I remember it, the Reclamation Service in its estimates this year asked for something like \$700,000.

The CHAIRMAN. Yes.

Commissioner VALENTINE. And they feel they could, with their force and overhead charges going ahead all the time, expend that amount wisely in a year. So I would be in favor of suggesting that the lines beginning with line 11 to line 14—unless you struck them out this morning—be stricken out.

The CHAIRMAN. Yes; we struck those lines out. We struck out all limitation and added \$50,000 to the appropriation.

Senator OWEN. To be immediately available.

Commissioner VALENTINE. That would make the appropriation the same as last year.

The CHAIRMAN. Yes. I wish you would furnish the reporter with a statement with respect to that to be inserted in the record.

Commissioner VALENTINE. It is desirable to push them to completion at the earliest possible date. Where we know that a project is going to cost \$4,000,000, I think there should be appropriated, and I think it is wrong not to appropriate, each year the maximum amount that can be spent in that year by the organization engaged on the work. It seems to me that any other method—a method of going along slowly—is bad business from the point of view of the financial side, and a very bad business from the point of view of the Indians, who ought to be supplied with water on every allotment that can be supplied with water at the earliest possible date, and I can see no advantage—Congress having committed itself to a project—in making what looks like a paper saving each year as against the real loss that I have mentioned. I do not know that I can make myself any stronger on that proposition. That seems to me very clear.

The CHAIRMAN. That covers it.

Commissioner VALENTINE. The next item is on page 17, lines 8 to 17, for subsistence and civilization of the northern Cheyennes and Arapahoes. That fund is part of an old Sioux agreement, and the northern Cheyennes have always felt that they should have their part cut from the total funds.

Senator CURTIS. But this is in accordance with the agreement.

Commissioner VALENTINE. Yes.

Senator CURTIS. If it is carrying out the agreement it seems to me it ought to be retained, and that you have no right to change an agreement that is made with them.

Commissioner VALENTINE. I will have to look that up. I thought I had that item with me that I desired to add to that, but I will supply it. In addition there is another item that I would like to suggest to go after the word "dollars" in line 17, as follows:

There is hereby appropriated the sum of one hundred and twenty thousand dollars, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the Northern Cheyenne Indians, the appropriation herein made to be reimbursable and to be repaid within a period not to exceed twenty years, the first payment to be due and payable within five years from the date of this act: *Provided*, That this appropriation be expended for the benefit of the Northern Cheyenne Indians, and also be repaid to the Government by such Indians under such terms, conditions, and regulations as the Secretary of the Interior may prescribe.

Senator CHAMBERLAIN. Do you think they would ever make a success of that?

Commissioner VALENTINE. Yes, sir; they have made a great success with cattle on that reservation. They have secured some of the biggest prices on the Chicago market.

Senator CHAMBERLAIN. You have no lien that would secure the payment?

Commissioner VALENTINE. No, sir.

Senator CHAMBERLAIN. I think that where investments are made in personal property and you make the fund reimbursable, it may never be repaid. It is not like an irrigation project, where the Government has, and can enforce, a lien against the land. Here it is simply a moral obligation. I think it should be an outright appropriation.

The CHAIRMAN. Is there not a fund against which that provision can be enforced?

Commissioner VALENTINE. I think those Indians have none except this treaty fund, as shown in the bill here, and that would not cover it.

The CHAIRMAN. Then, of course, Senator Chamberlain's suggestion is a sound one.

Commissioner VALENTINE. But I honestly believe, from the way these Indians have developed, that this money would be repaid.

Senator CHAMBERLAIN. I think it would be perfectly useless to make it reimbursable. If you want to, give them \$100,000 on a stock transaction, but do not undertake to require repayment.

Commissioner VALENTINE. Even assuming they never could pay, I would like to have it worded so that, if they could, they should. We have had what we call a revolving appropriation that has worked very successfully, where we supplied money to Indians for seed and purchase of implements to start work in the spring, and they turned back the moneys. This is one of the best educations we can give them.

Senator OWEN. I wanted to call up an item on page 24 of this bill, and I would like to do it now, as I will have to leave the committee. It is at the top of page 24—it is line 21 of the small bill with reference to Oklahoma. In section 18, line 21, the proviso is:

That during the fiscal year ending June thirtieth, nineteen hundred and thirteen, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress.

I wish to strike out that proviso and insert this:

That during the fiscal year ending June thirtieth, nineteen hundred and thirteen, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, the equalization of allotments, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Five Civilized Tribes, and attorneys of the said tribes employed under contracts approved by the President, without specific appropriation by Congress.

I would like to put in the record the number of these officers, with the salaries they receive at the present time, and which they have been receiving for a good while. This bill cuts out the tribal councils and leaves about an average of three persons in charge of each one of these five tribes. I do not suppose the committee cares to hear these amounts read that they have been receiving, and I will just hand it to the reporter in order that it may be inserted in the record.

The department desires this to be done, and I think it ought to be done, and I think it will be agreeable to the Oklahoma delegation.

The paper referred to is as follows:

*Present salaries and expenses of tribal officials of the Five Civilized Tribes.*

Position.	Choctaws.	Chickasaws.	Cherokees.	Creeks.	Seminoles.
Principal chief.....	\$2,000	\$1,500	\$1,500	\$2,000	\$1,000
Assistant chief.....			600		
Contingent fund of principal chiefs.....	3,200	1,800			
Treasurer or auditor.....	600	500			750
Contingent fund of auditor.....	600				
Secretary.....	600	600	1,000	1,500	
Contingent fund of secretary.....	450				
Assistant secretary.....			600		
Interpreter.....		300			
Coal trustee.....	4,000	4,000			
Light horseman.....	200				
Custodian of tribal capitol building.....	240				
Janitor.....			420		
Attorneys <sup>1</sup> .....	{ 2 8,000 2 5,000	2 5,000	2 5,000	2 5,000	

<sup>1</sup> Attorneys are also allowed traveling expenses when absent from their homes on official business, accounts of which are submitted to and approved by the department.

<sup>2</sup> One.

The contingent funds for chiefs of Choctaws and Chickasaws are to cover traveling and other miscellaneous expenses.

The traveling and other expenses of the principal chiefs of the Cherokee, Creek, and Seminole Nations are not specifically provided for, but their expenses to Washington as representatives of the tribes, when authorized by the department, are allowed, and do not exceed \$1,000 per annum.

The principal chiefs act as representatives of the tribes and execute deeds to purchasers of unallotted lands.

The assistant chief of the Cherokee Nation is a full blood and has no duties to perform, but confers with and advises full bloods.

The treasurers or auditors prepare warrants of salaries and expenses of tribal officers and forward same to the department for approval and payment.

The secretaries attend to correspondence of and the office work of principal chiefs.

The coal trustees audit accounts of coal companies operating leases on tribal lands, and their positions are provided for by the Choctaw-Chickasaw agreement.

The principal chief of the Choctaw Nation pays salary of private secretary, \$1,200 per annum, from contingent fund.

The salary of the principal chief of the Chickasaws was originally \$1,500, but an act of council increased same to \$3,000, which act providing for such increase was disapproved by the President, and who has declined to accept salary at the rate of \$1,500.

Senator OWEN. This is a proviso which I understand is agreeable to the department.

Commissioner VALENTINE. Yes, sir; and before you leave, Senator, I would like to suggest three other amendments, which I would like to read. You may desire to say something about them.

Senator OWEN. Let us dispose of this matter first, this proviso.

The amendment suggested by Senator Owen was agreed to.

Commissioner VALENTINE. I would suggest further, after the point where you insert, the following paragraph:

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sale when authorized by the Secretary of the Interior as provided by the act approved March third, nineteen hundred and eleven, not exceeding twenty-five thousand dollars, reimbursable from proceeds of sale.

Senator OWEN. I have no objection to that. I move that that amendment be adopted.

The motion was agreed to.

The CHAIRMAN. That is proposed to be inserted on page 24 after line 25.

Commissioner VALENTINE. This follows the other amendment which Senator Owen introduced—the following items:

The expense incident to, and in connection with, the collection of tribal revenues, including rents of unallotted lands, such amount as may be necessary: *Provided, however*, That such expenditures shall not exceed in the aggregate twenty per centum of the amount collected.

Senator OWEN. I have no objection to that.

Commissioner VALENTINE. I do not think there is any objection to reducing that a little. It seems to me to be rather a large expenditure.

Senator CURTIS. Yes; it seems to me that 20 per cent is rather large.

Senator OWEN. It is better to have too much than too little. If it is too little, you can not handle it at all.

The amendment was agreed to.

Commissioner VALENTINE. Then, next—

For incidental and necessary expenses of any suit brought on request of the Secretary of the Interior on behalf of any of the Five Civilized Tribes, the sum of ten thousand dollars is hereby appropriated, to be expended under the direction of the Secretary of the Interior, reimbursable from funds belong to the tribe in whose interest suit is brought, or is now pending.

Senator OWEN. What does that cover, Mr. Commissioner?

Commissioner VALENTINE. It covers various cases, I am informed. I have not looked it up.

Senator OWEN. You have had some suits brought for timber, and things of that kind?

Commissioner VALENTINE. Things of that kind. I think it covers practically everything in the shape of litigation.

Senator CURTIS. I suggest that you make a statement with regard to that.

Commissioner VALENTINE. I will.

The CHAIRMAN. You may continue now, Mr. Commissioner. I think we had reached the Northern Cheyenne Indians.

Commissioner VALENTINE. This is what I would ask, Mr. Chairman, for this item—

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma, and other employees connected with the work of such agents, one hundred thousand dollars.

Perhaps as good a place as any for that to come in would be between the heading which Senator Owen had a little while ago introducing his amendment, and the proviso, rather than to come at the end of these other items. The whole clause would then read:

For expenses of administration of the affairs of the Five Civilized Tribes in Oklahoma and the compensation of employees, one hundred and seventy-four thousand dollars; for salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma, and other employees connected with the work of such agents, one hundred thousand dollars.

Then immediately would follow your item, Senator:

*Provided*, That during the fiscal year, etc.

The amendment was agreed to.

Senator OWEN. There was an item with reference to town lots, but I do not know whether that could get in this bill—about 25 scat-

tered town lots that the Secretary of the Interior wanted to take care of. They had been forfeited under the law and he wanted the forfeiture removed, so that he might dispose of it in some way. Was your attention called to that?

Commissioner VALENTINE. Yes, sir; I have an item to that effect.

The CHAIRMAN. Mr. Commissioner, the following bill passed the Senate:

[S. 4004, Sixty-second Congress, second session.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund created under section seventeen of the act of Congress approved March second, eighteen hundred and eighty-nine (United States Statutes at Large, volume twenty-five, page eight hundred and eighty-eight), and to pay the same out to the members entitled thereto, or to expend it for the benefit of said Northern Cheyenne Indians in the purchase of horses, stock cattle, or such articles as in his judgment will best advance said Indians in civilization and self-support.

Commissioner VALENTINE. That is the item that I lost a while ago.

The CHAIRMAN. That is covered by this amendment, Calendar No. 74, authorizing an appropriation of \$100,000 to buy stock for them.

Commissioner VALENTINE. No; I think that would be additional. I had better look that up before I make any statement with reference to it.

The CHAIRMAN. In that connection can you tell offhand what the amount of that fund is that is available?

Commissioner VALENTINE. The total amount?

The CHAIRMAN. Approximately, if you know.

Commissioner VALENTINE. I will have to get that for you and submit it later.

Senator OWEN. On page 26 at the top—33, at the bottom, of the comparison there is a provision for Douglas H. Johnston, the governor of the Chickasaws, in the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912. That matter has been up from time to time, and I think it should be disposed of once and for all. I will therefore move that in lines 11 and 12 the words "to March 1, 1912," be stricken out and that there be inserted in lieu thereof the words "during the pendency of his present employment by the Chickasaw Nation." That will dispose of that matter until the tribal government is wound up. Mr. Commissioner, the Interior Department has it in its discretion to remove any of these chiefs, has it not?

Commissioner VALENTINE. Yes, sir.

The amendment was agreed to.

Senator OWEN. How long do you think it is necessary for these tribes to carry on this matter? We are paying out quite a little of the tribal moneys in connection with it.

Commissioner VALENTINE. I should not think it would be necessary very much longer.

Senator OWEN. The affairs of the Cherokees are practically wound up. Their lands and funds are practically distributed now.

Commissioner VALENTINE. Yes; and the same, to a great extent, with the Creeks, and as far as tribal relations go, possibly, with the Seminoles. Of course the Choctaws and Chickasaws have such big tribal holdings that theirs may take some time yet; but we favor, I know, doing away with the tribal remains, so to speak, and getting them on the proper basis at the earliest practicable date.

The CHAIRMAN. You may now proceed, Mr. Commissioner.

Commissioner VALENTINE. We have now reached Nebraska. If Nebraska is complete, may I go back to Montana for a moment, the last item? I do not know whether this was suggested or not—after the word “dollars,” on line 21, insert this item:

There is hereby appropriated the sum of forty thousand dollars, to be immediately available, and to remain available until expended, and the Secretary of the Interior is hereby authorized and empowered to use said moneys, or so much thereof as may be necessary, in the erection of buildings for agency purposes on the Flathead Indian Reservation in Montana, and for the purchase of land therein for an agency site not to exceed eighty acres, if such is deemed by the Secretary of the Interior to be necessary for a proper location of such agency; for the expenses of the removal of the agency to the new site selected; and for the protection and repair of any other buildings required for the efficient conduct of the affairs of the Flathead Indians in Montana: *Provided*, That the entire sum expended hereunder for the purposes herein mentioned shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

Senator CURTIS. That was agreed to this morning.

Commissioner VALENTINE. Did you take up this morning an item providing for the protection of timber on the Flathead Reservation?

Senator CURTIS. No.

Commissioner VALENTINE. It reads as follows, and I suggest its insertion at the end of the Montana items:

Protection and manufacture of timber on Flathead Indian Reservation: There is hereby appropriated the sum of twenty thousand dollars to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as he may deem necessary, in the purchase of a sawmill and logging equipment and the employment of suitable persons to manufacture and to lumber burned timber on the Flathead Indian Reservation, Montana, and to protect the remaining timber from fire and trespass: *Provided*, That the sum expended under authority of this act shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within said reservation under existing acts of Congress: *Provided further*, That the amounts paid to persons employed hereunder shall not be included within the limitation of salaries and compensation of employees in the Indian Service contained in the act of June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, page ninety).

Senator MYERS. Do you think that is desirable?

Commissioner VALENTINE. I think it is very highly desirable.

The amendment was agreed to.

Commissioner VALENTINE. We have now reached Nevada. The only thing in Nevada is the Carson School. We would like the sum of \$58,600 to be appropriated.

New Mexico: At Albuquerque we would like the \$69,400 we asked for instead of what the House gave us. For Santa Fe we would like \$61,000 instead of \$56,500. They left out entirely the item for pay of the special attorney to the Pueblo Indians of New Mexico.

Senator CURTIS. Does he need it just as much as he used to?

Commissioner VALENTINE. Yes, sir; and more so.

The amendment was agreed to.

Commissioner VALENTINE. North Carolina: We would like \$36,560 for the support and education of 180 Indian pupils at the Indian school at Cherokee. We hope you will consider that.

North Dakota: Fort Totten School; we would like \$74,000 instead of \$72,000. I can not lay too much stress on the importance of this slight increase.

For the Wahpeton School we would like \$22,700 instead of \$20,200.

Now as to Oklahoma, on page 22, lines 5 to 14; I am not certain whether that is the item that we suggested. I will look that up and will not take time now to discuss it.

At the bottom of page 22, line 24, we would like \$9,000 instead of \$8,000 for the Poncas.

For the Chiloccos we asked for \$93,000 instead of \$90,000 that was in the bill. At the end of line 5, after the word "dollars," we recommend the following proviso:

*Provided*, That the Secretary of the Interior is hereby authorized to sell any surplus lands set aside or reserved to this or any other Indian school for school purposes, and no longer needed for that purpose, or lease, any land for farming or mineral purposes, in the discretion of the Secretary of the Interior, under such terms, conditions, and regulations as he may prescribe and invest the proceeds in Indian school buildings or repairs of Indian school buildings or plants, or for the maintenance of said school as the needs of the service may require: *Provided further*, That in the discretion of the Secretary of the Interior the surface of said lands may be sold separate and apart from any minerals that may be found thereunder: *Provided further*, That the Secretary of the Interior shall report to the Congress at its next session any action thereunder.

This legislation is needed particularly for Chillocco, Red Moon, and Vermilion Lake. That is all in Oklahoma, I think.

Oregon: I will read what we ask for:

Klamath, \$6,000; Warm Springs, \$4,000; Umatilla, \$3,600; Salem Oregon School, we ask nothing there; Grand Ronde and Siletz Agencies, \$4,000; \$50,000 for the Modoc Point irrigation project, and for a bridge across the Deschutes River, \$15,000.

We would like this item inserted at the end of the Oregon items:

To enable the Secretary of the Interior to construct a bridge and the necessary approaches thereto across the Deschutes River, abutting on the Warm Springs Indian Reservation, in the State of Oregon, at a point to be selected by him, the sum of fifteen thousand dollars.

That is all necessary to open up the produce of that reservation.

Pennsylvania: With regard to the Carlisle Indian School, the House has given us \$148,500. I am not authorized by the department to ask for this officially, but I feel that I would like to call the attention of the committee to the fact that I personally know that the sanitary conditions at that school need improving.

Senator CURTIS. Suppose you submit an estimate with regard to that to-morrow.

Commissioner VALENTINE. I was going to suggest an increase of \$15,000 to that item.

Senator CURTIS. Where do you want to put that in?

Commissioner VALENTINE. Just after the general repairs and improvements; make that \$20,000 instead of \$9,000.

South Dakota: For the Flandreau School we ask for \$67,500. We need the increase.

At the Pierre School we ask for \$39,500.

For the Rapid City School we ask for \$62,500. We need those increases. For the support of the Sioux of different tribes, \$535,000; for the support and maintenance of day and industrial schools among the Sioux Indians, \$200,000; for the equipment and maintenance of the asylum for insane Indians at Canton, \$45,000.

Utah: There is nothing there.

Washington: We ask for the D'Wamish and other allied tribes, \$7,000; the Makahs, \$2,000; Qui-nai-elts and Quil-leh-utes, \$1,500; the Yakimas, \$3,000; the Colvilles, \$18,000.

Senator CURTIS. You have \$13,000 there.

Commissioner VALENTINE. We need the \$18,000. For the support of the Spokanes, \$1,000. For the Yakima irrigation project we asked for \$15,000, but we have been making a study of the situation since and would like to raise that to \$75,000. There has been an amendment introduced in that regard. There are special reasons for that that we will call your attention to.

For the Cushman School we asked for \$50,000. That was left out entirely.

Senator CURTIS. That should be added?

Commissioner VALENTINE. Yes.

Senator CURTIS. Why not put that after the word "dollars" on page 33, line 3?

Commissioner VALENTINE. Yes, to read as follows:

For the support and education of 300 Indian pupils, etc.

Senator CURTIS. You estimated that?

Commissioner VALENTINE. Yes. Wisconsin: For the Hayward School we asked for \$41,170.

Senator CURTIS. What do you say about Hampton?

Commissioner VALENTINE. I would like to see it appropriated for.

The ACTING CHAIRMAN (Senator Curtis). Without objection, Hampton will be added.

Commissioner VALENTINE. As I say, for the Hayward School we asked for \$41,170; for the Tomah School, \$51,950.

The ACTING CHAIRMAN. You have \$48,000 here.

Commissioner VALENTINE. We need the increase. For the Chippewas of Lake Superior, \$7,000; for the support, education, and civilization of the Pottawatomies, \$9,000. See estimates at bottom of page 259.

The ACTING CHAIRMAN. Is that estimated for?

Commissioner VALENTINE. Yes. Wyoming: For the support and civilization of the Shoshones, \$12,000; for the schools, \$36,525; for the continuation of the work of constructing an irrigation system, \$50,000.

For the support of the Shoshones, \$6,000. There are a number of items that we have passed upon favorably. The first one I have is a bill introduced by Senator Gamble to appropriate \$8,000 for a gymnasium at Flandreau.

The ACTING CHAIRMAN. What page is that on?

Commissioner VALENTINE. That is on page 28. That would come in before general repairs and improvements, just after the semicolon in line 13.

The ACTING CHAIRMAN. Is that estimated?

Commissioner VALENTINE. No, sir; these are simply items that were introduced in the Senate and which the department has been giving favorable consideration.

The ACTING CHAIRMAN. I think we had better let the full committee pass upon that.

Commissioner VALENTINE. None of these is in the estimates. These are items that have been introduced since the estimates were made.

Thereupon, at 4 o'clock and 45 minutes p. m., the committee adjourned until to-morrow, Wednesday, April 17, 1912, at 10 o'clock a. m.

WEDNESDAY, APRIL 17, 1912.

COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
*Washington, D. C.*

The committee met at 10.30 o'clock a. m., pursuant to adjournment.

Present: Senators Clapp (acting chairman), Chamberlain, Curtis, and Ashurst.

Senator CURTIS. We had concluded with the bill last evening, and the commissioner has returned this morning with some data that he did not have yesterday, as I understand.

The CHAIRMAN. Mr. Commissioner, you may proceed.

Senator CURTIS. Mr. Chairman, before the commissioner proceeds, on page 8 of the House bill, line 14, after the word "dollars," I move to insert the following additional item:

For the continuing of work of classifying and indexing the files of the Indian Office and preparing historical data from records therein, including the pay of employees, five thousand dollars, to be immediately available.

The amendment was agreed to.

Senator ASHURST. Mr. Chairman, on behalf of my colleague, I have presented to the honorable commissioner an amendment that I desire to submit, and I will not seek to press it unless the commissioner is favorable to it. I have submitted it for his consideration. It is on page 13 of the comparison, at the bottom of the page, line 17, after the word "dollars," to strike out all the rest of that page down to and including the word "investigations," page 10, line 9, of the bill, and insert the following:

That the sum of twenty-five thousand dollars, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for examinations and surveys for reservoirs and irrigation works on the Gila River, Arizona, for the irrigation of Indian, private, and public lands in the Gila River Valley, such examinations and surveys to be made under the direction of the Secretary of the Interior. The results of the investigations, showing probable cost and feasibility of such works, to be reported to Congress at the earliest practicable date.

I believe that whatever money is spent—and I think this ought to be—should be spent with a view of becoming a permanent investment. That is about all I have to say on the subject at this time; although if deemed necessary I can send for the report.

Senator CHAMBERLAIN. Is this in the neighborhood of where the Reclamation Service is building wells?

Senator ASHURST. It is the same; yes, sir.

Senator CURTIS. Mr. Commissioner, why would it not be well for us to accept this amendment, striking out that latter clause, and to reword the first part of it so that all the provisions with reference to that work there shall be eliminated or changed, and then let the whole matter go into conference and let the conferees call before the Senators from Arizona and your department and the interested parties from the House will be there and they can revamp it?

Commissioner VALENTINE. That will retain the provision as it is now printed in the House bill, as far as the matter of conference goes?

Senator CURTIS. Yes.

It was so ordered.

**STATEMENT OF HON. R. G. VALENTINE, COMMISSIONER OF INDIAN AFFAIRS—Resumed.**

Commissioner VALENTINE. Mr. Chairman, before I take up one or two of the specific items which I was to furnish information upon, I would like to put into the record here for the consideration of the committee one very important suggestion. I will call your attention to the following statement in my annual report for this year:

For the year 1910 the appropriation act carried \$11,800,000; the act for the year 1911 carried \$9,200,000; for 1912, the act of March 3, 1911 (36 Stat. L., 1058), carried \$8,800,000; and the estimates for 1913 will probably show a slight decrease further, although an increase of a considerable amount for 1913 would lead to a wise expedition of many lines of our work. The estimates last year were so cut to the bone that more than one year of this low limit of appropriations might seriously impair efficiency. I have tried to prevent any possibility of this impairment by lifting such appropriations in the current estimates as are necessary to secure, first, a decided improvement in the quality of our personnel, and, second, freedom from danger to Indian children and to employees from fire and from insanitary conditions that exist because of lack of proper repair and replacement funds for our agency and school plants.

Another year, on the foundation that will be then securely laid if the Congress appropriates according to these estimates, we shall need more funds for our allotment and irrigation work and our health and industrial campaign. I have not asked as a rule for increases in these funds this year, as I feel that before we take on more funds we should lift salaries of our field managers to a point that will insure a more constructive and economical use of the funds we now have. This program does not necessarily mean that the grand total of our Indian appropriations from the United States Treasury will cease moving downward. It does mean that some of our less needed funds will diminish and that our more vital funds—those connected with health and industries—will increase, and in more and more cases will increase out of Indian moneys. Thus the Indians will steadily become self-supporting tribally as well as individually.

In line with that policy, we submitted to the Committee on Appropriations a substantial increase amounting to over \$70,000 for the Indian Office in Washington, and I believe we have amply justified that estimate. If the committee gives us that we can run the service in a very much more business-like way, and since the estimates referred to here were submitted we have been making a careful study of the health and industrial conditions throughout the country. I have my chief health officer now engaged in lining up that work, and we are now in a position to know very clearly what we shall need next year to lay the right foundations for the health and industrial work. We did not know it at the time of introducing the estimates. I am not proposing any change in the estimates at this time. I do feel, however, that I should call the attention of the committee, since we are now aware of the conditions of things, and aware in a detailed way that can enable us to back up any request, now that that we are aware of this condition of things—I feel that I should call it to the committee's attention because there is no question but what since we have got to ask for this money next year, if Congress felt like giving it to us this year we might save just so much time and begin to clean up conditions now.

There are three specific items that I want to call your attention to in that connection. The first one concerns probate matters. By the act of June 25, 1910, as you will remember, the Secretary of the Interior was made in effect chief probate officer for the whole Indian service. On every large reservation where there have been allotments the probate work has banked up to a tremendous extent, and all sales and transfers of land are held up, many times for months pending settlements of these probate cases. If we can once get

caught up with those cases, which were plunged on us by the act of June 25, 1910—and in some reservations we have probably a thousand cases still unsettled—if we can once get caught up and Congress provides us with the necessary current force we can keep up, but it will require as near as we can estimate it \$100,000 to get this back probate work off the books.

Senator CHAMBERLAIN. Let me interrupt you there for a moment. Why should not these probate matters be attended to by some of the local courts, either the county court, where probate matters are usually attended to, or, in this case, even the Federal court, it seems to me, would be preferable to having all that work done here?

Commissioner VALENTINE. I am going on the principle that Congress has already passed on that point in the act of June 25, 1910.

Senator CHAMBERLAIN. But you are now suggesting an increase of over \$100,000 to do that work now. Why not give it to the local courts to adjust?

Commissioner VALENTINE. For two reasons, it seems to me. That is the condition in Oklahoma among the Five Civilized Tribes, and we find that although the courts have charge of the work they rely on the district agents there for help. The courts have not the machinery, and they are overrun with work themselves. The Indian cases present a very distinct and peculiar kind of problem, and I think Senator Curtis, who is familiar with the conditions down there, will agree with me that the district agents in Oklahoma do the bulk of the work. So that even if it were in the courts the representatives of the department would be very much needed.

Now, we have a sort of half-and-half condition in the act, which I believe the President is just about to sign, which passed both Houses—in the Osage country, where the matter is left with the local court and certain supplementary and complementary functions are placed on the agents of the department. So it is proper under the law for the local superintendent or the Secretary of the Interior at any time to call up a question of heirship with the courts.

Senator CHAMBERLAIN. I do not know the reasons which led to the enactment of that law of June 25, 1910, but it does not seem to me that this ought to be transferred from the locus in quo, where these are, to the department here in Washington. Senator Curtis knows probably the reasons which led to the enactment of that law.

Senator CURTIS. That law was enacted because of the previous experience in having Indian titles and estates settled in the local courts. The records will bear out the statement, I think, that in nine cases out of ten, in the earlier days at least, where the estates were settled in court, the heir got nothing. The parties were required to give bonds in the local courts usually, but the bonds were worthless, and as a result the properties were disposed of and the proceeds used up in fees and salaries, and when the heir was at the age of 18 or 21—depending on whether it was a girl or a boy—he was turned loose without anything, and the experience in the court has been very unsatisfactory.

But I do think this: I think that in these cases, where perhaps the department is taking it upon itself, it was given too much authority in that act of 1910. I believe if we could have some way of having the heirships settled in the local court, and then have the approval of deeds by the department, it would be a better plan

than to have the department here fifteen hundred or two thousand or three thousand miles from the reservation settling heirships that are settled very largely upon affidavits.

Senator CHAMBERLAIN. In the final analysis the officer here who has it in charge has to depend upon the district agent. When you come in and ask us for an appropriation, it seems we could save that by relegating it to the local authorities.

Senator CURTIS. I believe it would be better, and that is why I assented to the Osage bill, to have a divided jurisdiction; that is, letting the local court pass, where they can get the witnesses face to face, upon the question of the heirship, and if it is a full-blood Indian, or more than half-breed, let that be settled or passed upon as to the question of sale by the department. You will remember that I suggested in Kansas that you refer the question of partition and heirship in a number of cases to the local probate court to approve the finding, and that was done and there was no dissatisfaction. In another case, on the same reservation, the commissioner has had in his office here for over a year an application for the approval of a deed. Of course I do not want to criticize, but everybody knows that if that had been a local court the heirship question would have been settled in three months and all the officers would have to do would be to pass on whether it was a wise thing to sell that land. The idea I have always had is to turn all this matter over to the courts—the local courts handling the entire estate. If you do not do it they are going to get rid of the Indian's money.

Senator ASHURST. They dissipate it, do they?

Senator CURTIS. Yes; the records will show in Oklahoma alone last year the local agents have saved by their supervision over \$500,000 to the Indians in the heirship cases. I do not overstate it when I say over \$500,000.

Commissioner VALENTINE. I do not think it would be overstated if you said a provision of this kind would save a million, with an appropriation of \$100,000.

Senator CHAMBERLAIN. I did not wish to interrupt you, but I wanted to know something about that.

Senator CURTIS. I am glad you asked the question, because it is a pretty serious proposition as to what is best to be done. It is getting to be such an expensive proposition. The restrictions have been removed and the rights to sell property have been increased. So that there are a thousand sales now to where there used to be one. Is that right?

Commissioner VALENTINE. Yes.

Senator CURTIS. So you see the matter is complicated.

Commissioner VALENTINE. And every day's delay in getting these things cleaned up means just so much more complication.

Commissioner VALENTINE. I simply thought, Mr. Chairman, that I should call this very serious condition to the attention of the committee at this time because it is a big question, as we all realize.

Senator CURTIS. As far as I am concerned I am perfectly willing to give the commissioner—as I think he ought to have—all the money he needs to keep his work current.

The CHAIRMAN. I think we had better adopt the proposed amendment as a subcommittee and report it to the full committee. Mr. Commissioner, suppose you state the proposition again.

Commissioner VALENTINE. At the end, just before Arizona and New Mexico, insert the following:

To conduct hearings to determine the heirs of deceased Indian allottees:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., 855-856), and the regulations thereunder prescribed by the Secretary of the Interior..... \$100,000

NOTE.—The act of June 25, 1910 (36 Stat. L., 855-856), provides in part:

"That when any Indian, to whom an allotment of land has been made or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee-simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive."

No provision has been made for carrying into effect this requirement of said act; and the work of conducting these hearings and taking evidence, on which a decision by the Secretary might be based in each case, has thus far devolved upon the superintendents.

The regular administrative work of the various agencies taxes the efforts of these officials to the limit, and any time devoted by them to these hearings must necessarily be taken from that required for their regular duties. Notwithstanding this, however, upward of 1,465 cases have been disposed of since the passage of the act, including 217 involving sales of land. This is but a very small part of the work remaining to be done, the total number of allotments made being 195,656, distributed over 52 reservations, of which number it is believed upward of 40,000 have died leaving undetermined heirs. This is one-fifth of the total number and is thought to be a low estimate, as the work on the Winnebago Reservation, practically completed by a temporary special examiner, amounted in round numbers to 600 cases out of a total of 1,558 allotments.

Disregarding the fact that the holding of these hearings by the various superintendents interferes greatly with their regular duties, it will readily be seen that if that practice is continued at the present rate of progress it will take some 27 years to determine the heirs of allottees now deceased, to say nothing of those who may die in the future.

In order to expedite this work and complete the cases of those allottees already deceased within a reasonable time, as well as to relieve the superintendents of work which is constantly impeding the performance of their ordinary duties, it is believed the foregoing item should be included in the Indian appropriation bill for the fiscal year ending June 30, 1913.

Commissioner VALENTINE. I would like simply to emphasize at this point what I have already said about the increase we are asking for in the legislative, executive, and judicial bill. Our office, as I stated fully before that committee, is way behind. We have been able until within the last year to keep fairly current with the increase of business, but the business is increasing so rapidly now that even the amount of voluntary overtime work that the office is doing is not keeping us current.

There are two more of these general items that I think I shall call to your attention this morning, in line with my opening statement. The second one is a part of the general fact that the Indians on large reservations, frequently with the enormous tribal funds and sometimes with a lot of individual Indian moneys, and in all cases specifically where they have been allotted with a large amount of surplus allotments not necessary for their own use, are living under conditions of squalor and industrial depravity that is really little short of criminal. We are making every effort that we can administratively that Indians in such cases who sell their land should build, or there should be built for them, sanitary homes, made to work, or put up against it in such a square, honest way that if they do not want to work it is their own fault and the Government's duty toward

them has been relinquished. Yesterday, in connection with the Fort Belknap Reservation, mention was made of what we call the revolving appropriations. We have had them; they have been given to us in individual cases for several years, and they have been a great success. The Indians borrow from them in the spring and buy seed and buy implements and teams, and when they get their crop in the fall they turn the money back. It not only gets them on their feet industrially, but it teaches them business methods, and it is a great thing for them. I realize that is what seems to us the amount we need, since we have tried it out in these special cases. The amount may seem large, but I put any hesitancy I have in asking for the amount aside in the light of what I believe could be accomplished if this sum were added to the industrial appropriation, care of timber, and I think it is only fair to the committee to put it before it at this time.

Senator CHAMBERLAIN. What page is that?

Commissioner VALENTINE. It is on page 6, beginning with line 3, of the bill—page 9 of the comparison. It begins on page 6, line 3, and goes to page 7, line 2.

Senator CHAMBERLAIN. You want that House provision changed?

Commissioner VALENTINE. No, sir; I was suggesting this addition be made to that general industrial appropriation.

Senator CHAMBERLAIN. It is now \$400,000?

Commissioner VALENTINE. Yes, sir. I suggest that this be inserted if the committee considers it favorably:

There is hereby appropriated the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among the Indians and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June thirtieth, nineteen hundred and twenty-five, and all repayments to this fund made on or before June thirtieth, nineteen hundred and twenty-four, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June thirtieth, nineteen hundred and twenty-four, and all repayments to the fund hereby created which shall be made subsequent to June thirtieth, nineteen hundred and twenty-four, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

Senator CURTIS. That was voted down in the House, was it?

Commissioner VALENTINE. No, sir; this is like the probate matter, something that we have been studying and thinking of asking for next year.

The CHAIRMAN. Is there not a good deal of this that can be accomplished by using the Indians' own money under the present authority of the department?

Commissioner VALENTINE. There is a great deal, but this of course would apply to the country as a whole, and while it looks large here, it is not large when you consider that it would have to be used on 60 or 70 reservations.

The CHAIRMAN. I do not think it is large, but I do think that at every place where we can we should use the Indians' money.

Commissioner VALENTINE. And I think so, too.

Senator CHAMBERLAIN. Could you not appropriate this money out of some Indian fund?

Commissioner VALENTINE. We could in certain places appropriate out of the Indian funds.

Senator CHAMBERLAIN. Some of them have no funds, however.

Commissioner VALENTINE. Some of them have not any funds and this was asked for the places where they do not have funds. If you take it down in the Kiowa-Comanche and Apache country, they have nearly \$4,000,000 in the Treasury. Any work that is to be done there I think should be appropriated for out of their own money.

Senator CHAMBERLAIN. You would do that, notwithstanding this appropriation?

Commissioner VALENTINE. Yes, sir.

The CHAIRMAN. No; it would take an additional provision for that.

Commissioner VALENTINE. Yes; I expect it would.

The CHAIRMAN. But where the money is for the credit of the individual Indian, under the existing laws there the department can use that money for the Indians' benefit.

Commissioner VALENTINE. In other words, we would have the three funds to draw on: The individual fund, which the chairman has just mentioned, the tribal fund that we would have to have a specific appropriation for; and this fund would provide for places where neither of those funds was available.

Senator CHAMBERLAIN. That appeals more to me than the appropriation—the suggestion yesterday that it was to be a reimbursable fund.

Commissioner VALENTINE. I think this is a better provision.

Senator CHAMBERLAIN. I move that that be included and let the conferees take it up.

It was so ordered.

Commissioner VALENTINE. That will go in on page 7, after line 2.

The last thing that I shall have to trouble you with in connection with my opening statement is the health condition among the Indians throughout the United States, and if you give favorable consideration to this item it would go into the bill and it would simply be an extension of the amount. I am referring to page 4, line 13.

The CHAIRMAN. "To relieve distress among Indians and to provide for their care and the prevention and treatment of tuberculosis," etc.

Commissioner VALENTINE. Yes. The wording would not be changed. This simply involves a change in the amount.

Senator CHAMBERLAIN. It is \$60,000 now.

Commissioner VALENTINE. Yes, sir. The studies of that matter that we have been making lead us to believe that next year we shall ask for an addition to that amount of at least \$250,000. The condition of health among the Indians, as has been revealed since we began the trachoma campaign three years ago, is simply beyond belief, and the fact is also to be considered that it is not merely an Indian proposition, however much our duty may be to them alone, but it is a proposition involving the lives and health of something like 10,000,000 white people scattered in and around the Indian reservations. I would like to put briefly into the record these statistics which I will hand to the reporter.

The CHAIRMAN. They will be inserted.

The statistics referred to are as follows:

The following are the percentages of trachoma found among the Indians at the various Indian schools and reservations stated below:

	Per cent.		Per cent.
White Earth, Minn.....	26.4	Carson, Nev.....	25.0
Carlisle, Pa.....	18.8	Fallon, Nev.....	53.0
Shawnee, Okla.....	38.8	Big Pine, Cal.....	00.0
Sac and Fox, Okla.....	59.2	Independence, Cal.....	00.0
Otoe, Okla.....	55.5	Bishop, Cal.....	2.0
Ponca, Okla.....	68.9	Crow Agency, Mont.....	37.5
Seger, Okla.....	61.3	Martinez, Cal.....	22.7
Red Moon, Okla.....	56.3	Coachella, Cal.....	25.0
Pawnee, Okla.....	92.3	Soboba, Cal.....	25.0
Darlington, Okla.....	84.0	Cahuilla, Cal.....	68.7
Haskell Institute.....	20.4	St. Boniface Mission, Cal.....	37.5
Chilocco, Okla.....	28.5	Malki, Cal.....	20.0
Kaw, Okla.....	40.9	Yuma, Cal.....	15.5
Kiowa, Okla.:		Salt River, Ariz.....	43.3
Reservation Indians.....	95.0	San Xavier, Ariz.....	61.2
Rainy Mount School.....	85.0	Havasupai, Ariz.....	7.6
Fort Sill.....	55.0	Fort Apache, Ariz.....	41.1
St. Patrick's School.....	67.0	Castle Butte, Ariz.....	20.0
Riverside School.....	75.0	Tuba, Ariz.....	83.3
Colorado River, Ariz.....	89.0		

This list is accurate and reliable and represents the actual percentages at the places named.

JOSEPH A. MURPHY.

Commissioner VALENTINE. I think one of the troubles is due to the amount of salaries we pay. Our records show that the average salary of the physicians in the Indian Service on duty at agencies is \$1,168, while the lowest salary in the Public Health and Marine-Hospital Service of the United States is \$1,600, not including accommodations and quarters. The lowest in the military service is \$2,000, with \$462 for accommodations.

And then you know the pay of physicians in the Army and Navy is increased automatically every few years, and then they are retired with pay.

The CHAIRMAN. But this employment permits of general practice in most cases, does it not?

Commissioner VALENTINE. Not in the Army and Navy.

The CHAIRMAN. I am speaking of the Indian Service.

Commissioner VALENTINE. Oh, no, sir; the salaries that I am speaking of are salaries not of the contract physicians, which amount at times to \$720 a year, but of the regularly employed reservation physicians.

Senator ASHURST. Does the physician have anything furnished by way of board?

Commissioner VALENTINE. No, sir; he has to pay for everything except his actual house or room rent at the agency, which is furnished him free.

Senator ASHURST. His subsistence he pays for himself?

Commissioner VALENTINE. Yes, sir. I have here a very brief two-page statement in this connection which I would like to submit to the committee:

The excessive morbidity and mortality among Indians from tuberculosis, trachoma, and other infectious diseases—

I might say there in connection with the point you made, Senator Curtis, that a great deal of this money would be necessary for trachoma. The average number of Indians in the country having trachoma is about 40 per cent at least of all the Indians.

Senator CURTIS. What is the cause of that?

Commissioner VALENTINE. So far as I know, it has not been definitely ascertained. It seems to come from Mexico and the Southwest.

Senator CURTIS. Does it not come from the same causes that produce it in the South American countries and in the West India Islands, and many of the races of people of that kind who treat themselves when there is a little defect in the eyes?

Commissioner VALENTINE. I do not know; but I do know that from whatever cause it comes, it is undoubtedly aggravated by the fact that the Indians frequently live in smoky quarters and rub their eyes, and, as you know, it is such a serious menace to this country that if a man lands at Ellis Island and is even suspected of trachoma to any considerable extent, he is transported.

Senator CURTIS. It is not as bad as that. He is held, and if it is a weak case he is put in the hospital for treatment, if there is anybody who will pay his expenses.

Commissioner VALENTINE. That is true; and if he has a well-grounded case he is a permanent danger. There are some places where over 95 per cent of the Indians have trachoma.

Senator CHAMBERLAIN. What do you do for it?

Commissioner VALENTINE. The treatment is putting certain drops into the eye, and in the more aggravated cases there is an operation. They have cut away from under the lids. I saw an operation just a few weeks ago, and that was followed by what they call the after-treatment, which has to be begun with a nurse, more or less skilled, and if that is carried through sufficiently the disease can be kept in check and the danger of infection prevented. But to-day it is a serious menace to anybody who goes into the Indian country and shakes hands, or uses a towel, and then rubs his eyes. The disease frequently results in blindness.

The CHAIRMAN. Without intending any criticism, for I am in sympathy with the proposition, what do you expect to do with this money? What more do you expect to do than you are now doing; employ more physicians?

Commissioner VALENTINE. We expect to pay the physicians whom we have more money, so that we can hold them, and employ more physicians where we have a woeful lack of numbers, and also employ women skilled in the after treatment to go around and treat this disease the way it ought to be. It may throw a little light upon the general proposition if I should continue this memorandum. It is as follows:

LEGISLATION NEEDED FOR THE IMPROVEMENT OF THE HEALTH OF THE AMERICAN INDIANS.

The excessive morbidity and mortality among Indians from tuberculosis, trachoma, and other infectious diseases, the insanitary conditions existing in the large proportion of Indian homes, and the general ignorance of the Indians in regard to the causes and

prevention of disease demand a thorough, well-organized campaign which will actually effect a radical change in their health conditions. From 30 to 40 per cent of all Indians are suffering from trachoma. The percentage of tuberculosis is equally high.

The Indians are in the transition stage from "wards" of the Government to full citizenship, and as their reservations are being more opened up and white citizens coming into closer contact with them, not only are their diseases a menace to others, but the enforcement of sanitary measures for the quarantine, prevention, and control of disease is not permitted by existing United States statutes or by State laws.

Laws applicable to all Indians and all Indian land embodying a code of sanitary regulations including the absolute prohibition of spitting, and the quarantine of contagious cases of trachoma, tuberculosis, and other infections, carrying authority for the use of compulsion in their execution should be promptly formulated and passed.

Improved facilities for medical work should be provided, including provisions for the construction and maintenance of more sanatorium schools for incipient tubercular pupils, sanatoria for chronic tuberculosis, and more school and agency hospitals for general diseases, including trachoma. Hospitals and sanatoria now in operation should be better equipped.

A research and pathological laboratory for the study of diseases common among Indians should be established.

Active and forcible control of sanitary conditions in Indian homes based on suitable legislative authority should be immediately attempted. Double sash openable windows, wooden floors, and proper ventilation facilities should be placed in all Indian homes without them. Sanitary sewage disposal and pure water supplies should be positively assured.

Rigid spitting regulations should be enacted and efficiently enforced. Where Federal laws can not be made to apply, the States should be roused to enact suitable legislation.

A more extensive and active campaign of education in the prevention of disease should be inaugurated. Technical experts in sanitation should be employed for the preparation of especially adapted educational material. A bulletin devoted to practical prevention of disease among Indians, thoroughly illustrated and prepared in simple language should be regularly issued and given liberal distribution among Indians. All Indian schools should be equipped with projection machines and stereopticon slides, with suitable lectures on the prevention of disease prepared for distribution so that they could be presented monthly on all reservations to both pupils and adults. Domestic science courses in home sanitation for girls, and sanitary home building courses for boys should be prepared by competent experts and placed in all schools.

In order to command the highest class of work, competent physicians must be secured. A large number of physicians are needed. They should be graded, given sufficient salaries, and promoted as in the Army. A greater number of medical inspectors and experts in eye diseases should be employed, and thorough medical inspection secured. Dentists should also be employed. The pay of nurses should be increased, and graduate nurses employed to do house to house sanitary work.

The above measures will effectively check a further spread of diseases among Indians, but if these steps are not taken, trachoma and tuberculosis will not only continue unabated, but will spread to the citizens of the States were the Indians live.

#### PREVALENCE OF DISEASE AMONG INDIANS.

Agency physicians report the following for the fiscal year of 1911:

Number of Indians examined.....	42, 645
Number having tuberculosis.....(16.11 per cent)...	7, 133
Number having trachoma.....(16.12 per cent)...	7, 372

It is estimated by agency physicians that of the 163,408 Indians not examined 13 per cent have tuberculosis.

Number of births reported, fiscal year of 1911.....	5, 761
Number of deaths during same period.....	4, 938
Deaths due to tuberculosis.....	1, 518
Birth rate per thousand among Indians.....	36.09
Death rate per thousand among Indians.....	35.55
Percentage of deaths due to tuberculosis among Indians.....	30.72
Death rate per thousand among whites in registration area of the United States.....	15.00
Percentage of deaths due to tuberculosis among whites.....	11.20

Special examination by the three trachoma experts employed by the Government give the following figures:

Number of Indians examined.....	5,783
Number having trachoma.....	(40.09 per cent) 2,366

The discrepancies between the percentage of trachoma found by the agency physicians and the trachoma specialist is due to the fact that the agency physicians examined only those Indians who presented themselves for treatment, while the trachoma specialist examined all Indians possible.

There are 304,960 Indians in the United States. Five thousand seven hundred and thirty-eight of these were examined by the trachoma experts during the fiscal year 1911. It is probable that the percentage of trachoma among the Indians is 40 per cent, and it is very apparent that more expert physicians are needed to cover the whole field and give the untreated majority of diseased Indians expert treatment.

The CHAIRMAN. I move that the item be included.

Senator CURTIS. That would make the whole item \$310,000.

The CHAIRMAN. Add \$250,000.

Commissioner VALENTINE. That is on line 4, page 13. Now, in accordance with your suggestion yesterday, I prepared an amendment to that Papago item.

Senator CURTIS. Yes; it is under Arizona, page 10 of the bill, line 23.

Commissioner VALENTINE. This was the proviso that you wished drawn similar to the one I told you we had submitted with regard to the Pima Indians for reimbursement to the purchaser but the title to remain in the Indians and their heirs as long as they retained the land. It reads as follows:

*Provided*, That the proportion of the cost of the irrigation project on the Papago Indian Reservation, herein authorized to be paid from the public funds, shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose for the payment of the amount assessed against any allotment, as herein provided, shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

The CHAIRMAN. I think you have recitals in there that are not necessary.

Commissioner VALENTINE. This would come in as a proviso in that Papago clause in the supplemental estimates. I do not know just where you will put it in.

The CHAIRMAN. It should be inserted after line 13, page 10.

Senator ASHURST. It seems to me that with respect to this amendment proposed by Mr. Smith of Arizona, appropriating \$25,000 that should be treated the same way. If water was put on the land, it would immediately jump to \$250 an acre.

The CHAIRMAN. I think that item will have to be changed, Mr. Commissioner. It strikes me as being a little complicated.

Commissioner VALENTINE. Very well; I thought best in the short time I had to prepare it to give you something to work on.

Without objection, the amendment was adopted.

Commissioner VALENTINE. The next provision that I would suggest to go in just before Arizona and New Mexico in the miscellaneous part of the bill is the following provision:

There is hereby repealed that provision of the act of June seventh, eighteen hundred and ninety-seven (30 Stat. L., 62-90), which reads:

"That hereafter not more than ten thousand dollars shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated the expenditure of such consolidated agencies for regular employees shall not exceed fifteen thousand dollars: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs."

The CHAIRMAN. You propose to repeal that?

Commissioner VALENTINE. Yes, sir.

Senator CHAMBERLAIN. Why?

Commissioner VALENTINE. The present limitation of \$10,000 is very well represented in the Osage case, where we did get a lift, I believe. There was a limit from \$30,000 to \$40,000 in the Osage case, and the limit was lifted there from \$30,000 to \$40,000; but as to the bulk of the agencies throughout the country the \$10,000 limit is too restrictive.

Senator CURTIS. Why do you not say, instead of repealing, that it shall be amended so as to read as follows?

Commissioner VALENTINE. That would be all right.

Senator CURTIS. And then put \$15,000 in instead of \$10,000.

The CHAIRMAN. Or just amend by striking out the word—referring to the act—and inserting \$15,000.

Commissioner VALENTINE. Or \$20,000. We will make that suggestion formally.

Now, on March 25, 1912, the superintendent of the Indian school at Fort Totten, N. Dak., wired that the water mains connecting the agency and Gray Nuns department were frozen up, and that it would be impossible to take the mains out until the warm weather; that the agency and Gray Nuns School were being supplied with water by hauling and tanks, and that it might be necessary to dig up the full lengths of the main, about 1 mile, in order to make the necessary repairs, adding that there was absolutely no protection in case of fire. He makes a statement here and estimates the cost of repairing those mains at \$4,000. That school was specifically appropriated for, and this amount that I am calling your attention to is not in the estimate.

Senator CURTIS. Was it appropriated?

Commissioner VALENTINE. No, sir. It is on page 20, after line 24. I feel, in the light of this information, that Congress ought to know that \$2,000 would be necessary to repair this damage, and it should be made immediately available.

Senator CURTIS. Where do you want that to be added?

Commissioner VALENTINE. It will come in on page 21, after line 3, right after the word "dollars" in line 3.

Senator CURTIS. You could simply add, "For general repairs and improvements, six thousand dollars, two thousand dollars of which to be immediately available."

Senator CHAMBERLAIN. Would it take \$6,000 to do it?

Commissioner VALENTINE. No; there is already \$4,000 appropriated for it. That is the Fort Totten School on the Devils Lake agency in North Dakota.

Senator CHAMBERLAIN. Why not make it \$6,000, \$2,000 to be at once available?

Commissioner Valentine. That would be right. That might be a little more than the increase I asked for in that school yesterday. You have the record on that.

Senator CURTIS. You asked for \$74,000, instead of \$72,000?

Commissioner VALENTINE. Yes; that was the general \$2,000 raise and not specific. Another item which I think I should call the attention of the committee to, although I have not asked for it in the estimate, is this: Under date of March 25, 1912, Supervisor Peairs called attention to the fact that the capacity of the Wahpeton School, North Dakota, is being increased from 100 to 150 by the building of additions to both of the dormitories, and that the appropriation provided at present is for 100 only. He states that it is very difficult indeed to operate a school in the cold northern climate with an appropriation for only 100 pupils, and as the capacity is being increased at the Wahpeton School, it seems to him that the appropriation for the fiscal year 1913 should be made to provide for 150 children. He further asks the question, "Would it be impossible to get the change made by the Senate?"

Under date of April 2, 1912, the superintendent of the Indian school, Wahpeton, N. Dak., calls attention to the same matter and recommends that Congress be asked to make the necessary increase in the appropriation, stating that he anticipates no difficulty in filling the school to the increased capacity.

Wahpeton is a specifically appropriated for school and the support under the bill if this is done should be increased. The appropriation is now \$20,200, and it should read \$28,500.

The CHAIRMAN. You want the difference put in somewhere?

Commissioner VALENTINE: For support and education of 150 Indian pupils instead of 100.

The CHAIRMAN. How much do you add?

Commissioner VALENTINE. We add \$10,300.

The CHAIRMAN. That would be in line 7.

Commissioner VALENTINE. At the Cherokee Indian school, North Carolina, the teachers' quarters were destroyed by fire April 2. This building, 58 by 74 feet, contained 15 rooms and cost originally \$4,700, being constructed in 1895. It is estimated that a new building at present prices would cost at least \$6,000, but this would not have quite the same capacity as the old building. There are at the school 21 employees. There is a superintendent's cottage and employees' building containing three rooms. Limited time does not permit a more detailed report this morning, April 17, but the need for a new building and an appropriation therefor is believed urgent.

Senator ASHURST. Was the building insured?

Commissioner VALENTINE. I do not think any of our Government buildings are insured. The Government thinks it is better to carry its own insurance.

The CHAIRMAN. How much do you want there?

Commissioner VALENTINE. The hurried estimate was \$6,000 for the rebuilding of the teachers' quarters that were destroyed by fire on

April 2. On page 20, lines 5 to 10, it would add \$6,000 to that item as it now stands for new employees' quarters. I think this should be a specific item for rebuilding employees' quarters. The only other matter I have to suggest, Mr. Chairman, is one with respect to the Yuma item in California, on page 11, line 11—for the balance of the first annual reclamation and maintenance charge on Yuma allotments, etc. I neglected to call your attention yesterday to the fact that in our estimates we had asked for \$100,000, and the House gave us \$18,000.

Senator CHAMBERLAIN. The House cut it from \$100,000 to \$18,000? Commissioner VALENTINE. Yes.

Senator CHAMBERLAIN. What was the idea in doing that?

Commissioner VALENTINE. I do not really know.

Senator CHAMBERLAIN. What do you want with that much money?

Commissioner VALENTINE. There are some back payments to be made. The whole cost was \$180,000 which was to be paid in 10 annual installments.

Senator CHAMBERLAIN. You had \$18,000 last year?

Commissioner VALENTINE. Yes, sir. You will find a statement made in regard to this in the hearings before the House committee, on page 130, beginning at the bottom of the page.

The CHAIRMAN. The original plan was that it should be \$18,000 a year, was it not?

Commissioner VALENTINE. That has been my understanding, so when this item came up I was rather surprised at asking for so much. Can you explain that, Mr. Meritt?

Mr. MERITT. You will recall that the allotments were increased from 5 to 10 acres, and that would decrease the amount of surplus land that could be sold for the purpose of reimbursing the Reclamation Service for its work done on that project. It becomes necessary now, since we have got the surplus land to sell, to ask for a larger reimbursable appropriation than was contemplated before the increased allotments were given to the Indians. The Reclamation Service has done the work, and they have submitted the bill for the work performed, and we have not the money available to pay their bill, and we need the \$100,000 to meet this charge of the Reclamation Service.

The CHAIRMAN. Then will the total cost be increased?

Mr. MERITT. The total cost will not be increased.

Senator CHAMBERLAIN. How much will be needed next year on this same proposition?

The CHAIRMAN. \$62,000.

Commissioner VALENTINE. The last matter that I am to call your attention to this morning is this—

The CHAIRMAN. One moment. Unless objection is made we will consider that as adopted, on page 11, line 13, to strike out "eighteen" and insert "one hundred."

Senator CHAMBERLAIN. I wish you would turn to Oregon. I see they cut out two or three little matters there that seem to have been recommended by you. It appears on page 36 of the comparison—page 33 at the bottom. They reduce one appropriation from \$3,600 to \$3,000.

Commissioner VALENTINE. I called that to the attention of the committee on yesterday. I think it is necessary.

Senator CURTIS. That is on line 22, page 26, making that read \$3,600 instead of \$3,000. The Secretary referred yesterday to a bridge across the Des Chutes River.

Commissioner VALENTINE. We recommended that.

Senator CURTIS. It is at the bottom of page 27.

Senator CHAMBERLAIN. I think it would be well to put it in the estimates.

Commissioner VALENTINE. Yes; to enable the Secretary of the Interior to construct that bridge.

The CHAIRMAN. That will be taken as the sense of the committee, if there is no objection.

There was no objection and it was so ordered.

Commissioner VALENTINE. Just one more matter. I do not desire to take your time to read this letter, but will leave it with the reporter, to be inserted in the record. We ask for the Sherman Institute in California, which you will find appropriated for on page 11, lines 5 to 10. We ask in the estimates for \$117,350 and the House reduced it to \$104,350. Now, in connection with increasing that, for your consideration, I will simply leave the letter that I have referred to.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
*Sherman Institute, Riverside, Cal., March 29, 1912.*

COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

SIR: I notice in a copy of the Indian appropriation bill as reported by the House committee that the appropriation for Sherman Institute contains only the regular appropriation for the expenses of the school and \$10,000 for repairs and improvements. I also observe in the hearings before the House committee that the amount recommended by the office for repairs and improvements amounted to \$21,000.

In my estimate for the fiscal year 1913, submitted to the office June 20, 1911, I requested \$15,000 for general repairs and improvements, \$3,500 for repairs to water and sewer system, \$15,000 for central heating plant, and \$20,000 for construction of employees' quarters. In my letter of November 15, 1911, I invited special attention to the request of \$15,000 for a central heating plant, and asked that this appropriation be increased to \$20,000 in order to give us an efficient system for the entire plant. In this letter I also requested an appropriation of \$15,000 for the purpose of providing outside toilet facilities for the school, and suggested, if necessary, that the appropriation of \$20,000 for employees' quarters be omitted at this time. All these improvements are essential for efficient work, but if it is impossible to obtain specific appropriations for these improvements, I trust that the office will be able to obtain for us at least the amount recommended for general repairs and improvements, viz, \$21,000. We should have, in addition to this, the amount requested for our central heating plant, viz, \$20,000. This central heating plant is in the interest of safety to the lives of our children, and if only one of our large buildings were to be destroyed by fire the replacing of same would amount to as much as the installation of this heating system.

We are now very much in need of additional funds for our water system. We have a well at the school plant, and have installed a pump that will enable us to pump all the water necessary for both irrigating and domestic purposes at the school. We, however, have no storage capacity for the domestic supply, which makes it impossible to use the water we now have at our disposal. The cost of water for purely domestic purposes at the present time, according to the rates we are now required to pay to the Riverside Water Co., amounts to more than \$400 a month. If we had an appropriation that would enable us to construct a tank and tower for the storage of domestic water we would save the cost of same in one year's time, as the cost of pumping this water would not be more than \$500 a year. We, however, can not use money from the general support fund for the construction of a tank and tower, and if we only receive an appropriation of \$10,000 for repairs and improvements for next year it will be impossible to keep up all the repairs for the school and construct a storage tank for domestic water. I therefore request that a special effort be made to obtain for

general repairs and improvements at least the amount recommended by the office for this purpose.

As above stated, a central heating plant is very much to be desired, and I request that this appropriation also be urged. The appropriation for outside toilets is also advisable, and I should be pleased to have this item included if possible.

Very respectfully,

F. M. CONSER, *Superintendent.*

Senator ASHURST. What is the Sherman Institute?

Commissioner VALENTINE. It is a large school at Riverside, Cal., providing for about 550 children, mostly from the Mission country in southern California. It is a very good school.

The CHAIRMAN. What item would that be an increase in?

Commissioner VALENTINE. In repairs and improvements.

Senator CURTIS. Increasing repairs and improvements from \$10,000 to what?

The CHAIRMAN. Twenty-three.

Commissioner VALENTINE. If you give the superintendent all he asks for it would amount to \$31,000.

Senator CURTIS. What did you estimate for?

Commissioner VALENTINE. We had not estimated.

Senator CURTIS. Yes; you estimated \$17,000.

Commissioner VALENTINE. But the figures now shown would go up above that. I should not feel at this time like asking more than we estimated for, \$17,500.

Senator CURTIS. But what does it make the repair and improvement item?

The CHAIRMAN. It would be \$23,000 instead of \$10,000.

Commissioner VALENTINE. Yes.

Senator ASHURST. Mr. Chairman, I have a letter here which I received from the superintendent of the Indian school at Phoenix, Mr. Goodman, from which I will read an excerpt for the information of the committee:

I see that the Indian bill is later than usual in coming up, and note with regret that the House committee has reduced our appropriation for general repairs and improvements of this school from \$11,000, as recommended by the Indian Office, to \$8,000, which sum is altogether inadequate for the present needs for repairs and improvements at this institution. Besides making the necessary repairs to buildings and machinery, heating, water, and sewer systems, we have contemplated erecting steel water tanks in place of the present wooden ones that are worn out; we also desire to improve the roads through the grounds to conform to the work being done on Central Avenue, adjacent. This is important also for sanitary reasons, especially in front of the hospitals.

Regretting that you were not able to visit the Indian school before you started for Washington, and thanking you very much for the favor of the Congressional Record and anything else you may see fit to do for our school, I am,

Very cordially,

C. W. GOODMAN, *Superintendent.*

Commissioner VALENTINE. We asked for that yesterday.

The CHAIRMAN. How much increase would that be?

Senator ASHURST. From eight to eleven thousand—\$3,000.

The CHAIRMAN. That would be in repairs.

Senator ASHURST. Yes.

The CHAIRMAN. That is on page 9, line 4.

Senator CURTIS. Mr. Chairman, in Oklahoma I do not know whether this matter was adopted yesterday or not, but Mr. Wright and others tell me that it ought to be in.

Commissioner VALENTINE. That is a matter that you asked for a little more information about.

Senator CURTIS. It is with regard to suits brought by the Secretary. What about that?

Commissioner VALENTINE. Mr. Wright is here, and perhaps he can give you the information more directly about that.

Senator CURTIS. That would be on page 24.

Commissioner VALENTINE. It is simply to cover the town-lot suits in the Creek Nation.

Senator CHAMBERLAIN. How much is it?

Commissioner VALENTINE. \$10,000.

Senator CURTIS. It is this, Mr. Chairman:

The Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept payment to the full amount of the purchase money due, including interest to date of payment, on any town lots originally sold as provided in agreements with any of the Five Civilized Tribes and declared forfeited by reason of nonpayment of amount due and not resold.

That applies to 25 lots, where they wanted permission to wind up the title.

The CHAIRMAN. Without objection, it will be adopted.

Senator CURTIS. It is for 25 lots, is it not, Mr. Wright?

Mr. WRIGHT. Yes, sir; 25.

Commissioner VALENTINE. Last spring in the floods in the Southwest on the San Juan River, the bridge that had been built there about a year or two ago to cross the San Juan River at the agency in New Mexico was washed away, and our estimates this year included an item of \$16,000 for building a new bridge. The House changed that, I believe, simply to have an investigation made, and it was cut out in the House entirely and \$1,000 was substituted. It is on page 19.

Senator CHAMBERLAIN. How much did you ask for?

Commissioner VALENTINE. We asked for \$16,000 to build a bridge. The washing out of the bridge showed a defect. It was the highest flood that they had had for years, and I feel that a bridge there is very important because in a large part of that agency the Indians live on the south side of the river.

Senator CHAMBERLAIN. How do they go across now?

Commissioner VALENTINE. In boats. It is quite perilous. In certain limited periods of the year they can ford it, but it is one of those rivers that flows half sand and half water, and probably Senator Ashurst has shared with me the joys of crossing it.

Senator ASHURST. A boat has to have stilts to get up the stream.

Senator CHAMBERLAIN. You think it is really needed there, Mr. Commissioner?

Commissioner VALENTINE. Very badly needed.

Senator CHAMBERLAIN. When was this bridge built?

Commissioner VALENTINE. About two years ago.

Senator CHAMBERLAIN. Can they not protect it?

Commissioner VALENTINE. I think they can now, but this was a flood that was out of all bounds. There was nothing like it before.

The CHAIRMAN. Without objection, that will be agreed to.

Senator ASHURST. I desire now to make a short statement as to the necessity for a bridge over the Colorado River at Yuma. I should be very pleased to vote for a bill granting an appropriation outright to build such a bridge, as the Colorado River flows 1,200 miles, and through all its long course there is not a wagon bridge across the same. It is a situation unprecedented in this Nation. At this advanced

period of civilization there should be a bridge for automobiles and wagons across this river at Yuma. Such a bridge would be very serviceable, especially to the Indians. The river at Yuma at times is very turbulent and is highly charged with silt, and has been the death of some good swimmers among the Indians. I realize, however, the practical impossibility of securing an appropriation just now, hence I am driven to use the most feasible and suitable means at my hand, and that is to urge an appropriation of a sufficient sum of money to enable the Secretary of the Interior to make a proper investigation of the conditions on the Yuma Indian Reservation and report to Congress on the first Monday in December, 1912, just what sum will, in his judgment, be necessary for the construction of a thoroughfare bridge of sufficient strength and capacity safely to carry street cars, automobiles, and wagon traffic over the Colorado River. The sum of \$1,000, at least, should be appropriated for this purpose. There is also very great necessity for steel or concrete wagon bridges, with proper approaches thereto, across the San Carlos Creek and Gila River in the vicinity of San Carlos, on said reservation. The necessity for such bridges is exceedingly great, and it is impossible for me to emphasize the need of these bridges. Therefore, again recognizing the practical impossibility of securing the appropriation just at this time, I again am driven to adopt the most practicable and suitable means of obtaining these bridges; hence, I ask for \$2,000 for the purpose of enabling the Secretary of the Interior to make such investigation and submit his report to Congress on the first Monday in December, 1912.

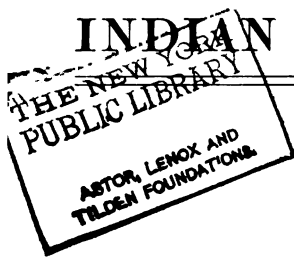
Commissioner VALENTINE. Both of these bills are pending, and we have made favorable reports on them.

The commissioner was thereupon excused and the committee took a recess until 2 o'clock p. m. for the consideration of the bill and amendments.





SEP 23 1912



# INDIAN APPROPRIATION BILL

---

## HEARINGS

BEFORE A

### ★ COMMITTEE ON INDIAN AFFAIRS SUBCOMMITTEE OF THE UNITED STATES SENATE

SIXTY-SECOND CONGRESS

SECOND SESSION

ON

## H. R. 20728

A BILL MAKING APPROPRIATIONS FOR THE CURRENT AND  
CONTINGENT EXPENSES OF THE BUREAU OF INDIAN  
AFFAIRS, FOR FULFILLING TREATY STIPULA-  
TIONS WITH VARIOUS INDIAN TRIBES,  
AND FOR OTHER PURPOSES, FOR  
THE FISCAL YEAR ENDING  
JUNE 30, 1913

---

APRIL 25, 1912

---

Printed for the use of the Committee on Indian Affairs

---

## PART II

---

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1912

en. 2. 7.

COMMITTEE ON INDIAN AFFAIRS.

UNITED STATES SENATE.

ROBERT J. GAMBLE, South Dakota, *Chairman*.

MOSES E. CLAPP, Minnesota.

PORTER J. McCUMBER, North Dakota.

GEORGE SUTHERLAND, Utah.

ROBERT M. LA FOLLETTE, Wisconsin.

CHARLES CURTIS, Kansas.

NORRIS BROWN, Nebraska.

JOSEPH M. DIXON, Montana.

CARROLL S. PAGE, Vermont.

WILLIAM J. STONE, Missouri.

JEFF DAVIS, Arkansas.

ROBERT L. OWEN, Oklahoma.

GEORGE E. CHAMBERLAIN, Oregon.

HENRY L. MYERS, Montana.

HENRY F. ASHURST, Arizona.

RALPH H. CASE, *Clerk*.

THURSDAY, MAY 2, 1912.

COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
Washington, D. C.

The committee met at 10.30 o'clock a. m., having under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, etc., for the fiscal year ending June 30, 1913.

Present: Senators Clapp (acting chairman), McCumber, Sutherland, Curtis, Brown, Page, Owen, Myers, and Ashurst.

The ACTING CHAIRMAN. We will now take up the general appropriation bill. The first amendment is on page 2, line 15, where we strike out the word "fifteen" and insert "fifty," and then add "thirty-five thousand dollars of which is to be immediately available."

Without objection the amendment was agreed to.

The ACTING CHAIRMAN. On the same page, line 20, it is suggested that this provision be added:

*Provided, That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisement work, general or specific, are hereby made available for the purposes enumerated herein.*

The amendment was agreed to.

Commissioner VALENTINE. Pardon me, Mr. Chairman. Do you wish me to call your attention in passing to any items in the estimates that have not been included?

The ACTING CHAIRMAN. I think you might as well, so that we can close the matters as we proceed.

Commissioner VALENTINE. In that connection, I want to call your attention to our request in the supplemental estimate for an additional amount of \$85,000 for the survey and allotment work which is not now in the bill as printed.

Senator CURTIS. Can you not get along with that \$250,000?

Commissioner VALENTINE. It is this way, for the reasons I explained to you the other day: It seems to me that the earliest possible completion of the allotment work is very desirable. So many of the Indians do almost no home-making work or settling-down work until they are allotted. We shall have to face the proposition in the long run, and I feel that the earlier we complete it the better.

The ACTING CHAIRMAN. Where would you insert that?

Commissioner VALENTINE. I would simply change the totals of the whole item.

Senator McCUMBER. Instead of \$250,000, you would add \$85,000 to that?

Commissioner VALENTINE. Yes, sir; I would amend it by making the total \$335,000.

The ACTING CHAIRMAN. What does the committee say to that?

Senator McCUMBER. I do not know enough about the conditions there to express an opinion on that proposition. This is for all the Indian reservations, is it?

Senator CURTIS. Yes, sir; under both sections.

Senator McCUMBER. I am inclined to think, Mr. Chairman, that where the commissioner feels that money ought to be expended for the benefit of the Indians, as he has peculiar knowledge on which it is based, we ought to put it in, and then let it go to Congress.

The ACTING CHAIRMAN. Unless there is objection it will be inserted.

Senator CURTIS. I am going to look into it. I reserve the right to object later.

The ACTING CHAIRMAN. What amount is that now?

Commissioner VALENTINE. \$335,000.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 4, line 9, where we change the total from \$310,700 to \$355,700.

Without objection the amendment was agreed to.

The ACTING CHAIRMAN. Then on line 12, page 4, the following is added:

*Provided also, That there shall be covered into each fund, from whatsoever source derived, for construction or maintenance and operation of any irrigation project or system within the jurisdiction of the Indian Service or preliminary surveys and investigations for determining the feasibility or cost of new projects in the Indian Service, the proceeds of the sales of material utilized for temporary work and structures, as well as of the sales of any other property which had been purchased from such fund, and also any moneys refunded in connection with operations necessary for and incidental to such work; and for lands under any such project the Secretary of the Interior may fix annual maintenance charges, which shall be paid as he may direct, such charges, when collected, not to be covered into the Treasury but to be immediately available for use for the maintenance and operation of the project or system for which collected.*

Is there objection?

Senator CURTIS. Is not that general legislation, Mr. Commissioner?

Commissioner VALENTINE. It might be.

Senator CURTIS. Let it go in. I reserve the right to make a point of order against it if I can prove that it is.

Commissioner VALENTINE. It might be general legislation; but we are very careful not to ask for things that we think are general legislation; but it refers so particularly to this fund that we hoped it could get into the bill.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page——

Commissioner VALENTINE. Pardon me, Mr. Chairman. Before you reach the next amendment, Senator Chamberlain had to leave the committee, and he left with me an item which he hoped could be introduced in the liquor provision, on page 5, line 5, after the word "Indians." The suggestion is to insert:

Including the illegal introduction of intoxicating liquors into the State of Oklahoma.

You will remember, Mr. Chairman, that the other day Senator Owen suggested inserting the words "including Oklahoma."

The ACTING CHAIRMAN. Yes.

Commissioner VALENTINE. And I raised some question of doubt about it, because I thought it was not necessary; that we have the right in Oklahoma; we have begun our liquor service in Oklahoma; and it might lead to the claim that other places were excluded unless specifically named. That objection to the amendment would still hold good, but the amendment as reworded I am heartily in favor of.

Senator McCUMBER. Read that amendment again.

Commissioner VALENTINE (reading):

Including the illegal introduction of intoxicating liquors into the State of Oklahoma.

This would strengthen our hands very materially in our fight against the use of liquors by Indians.

The amendment was agreed to.

Senator McCUMBER. I think it crowds very close to the line of unconstitutionality.

The ACTING CHAIRMAN. Now, on page 5, line 10, we have changed "\$60,000" to "\$250,000."

Senator CURTIS. Mr. Commissioner, you estimated for only \$75,000, did you not? How can we go on the floor and justify \$175,000 more than you estimated for?

Commissioner VALENTINE. I think I explained that, Senator, in this, that we were not asking for that this year, but that we had been making a very careful study of the health situation among the Indians and the industrial situation among the Indians, and we had already made up our minds what we would have to ask for next year; that we would have to ask for at least this amount for next year. I talked it over with Secretary Fisher, and we thought it not only proper, but our duty, to call the attention of the committee at this time to the very serious emergency condition with which we are confronted, so that if it seemed good to the committee the amount could be inserted this year.

I have filed with the committee a rather lengthy justification, or an attempted justification, of the need for this expenditure.

Senator CURTIS. Mr. Chairman, I move the amendment be made \$75,000 instead of \$250,000.

Senator McCUMBER. If there is any one thing on the face of the earth that we ought to do in connection with the Indian, the first and most important thing is to save his money for his health. It is of very little importance to appropriate millions of dollars for educating him while we are letting him die by the thousands of these infectious diseases. It seems to me we ought to be more liberal in the matter of stamping out disease than in any other direction, and I certainly am in favor of granting whatever is deemed necessary for that purpose.

Commissioner VALENTINE. I think you were not present, Senator McCumber; but one of the particular points I made was that it was not merely an Indian question, but that it also affected the whites; that the prevalence of tuberculosis among the Indians threatened not only the Indians but also their white neighbors. That is one reason why we are very active in this campaign.

Senator McCUMBER. At least that is the fundamental proposition, to take care of his life and his health first.

The ACTING CHAIRMAN. The question is to reduce that to \$75,000.

The motion was not agreed to.

Commissioner VALENTINE. Right there, Mr. Chairman, if you will permit me. Do I understand that you want me to call your attention to these additions as we go along?

The ACTING CHAIRMAN. Anything that you have to offer, offer it as we go along.

Commissioner VALENTINE. There is one thing at the end of that liquor item that I want to call your attention to. I mentioned this the other day as coming at the end of line 5 on page 5:

*Provided, That the powers conferred by section 788 of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians, and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian affairs or the Secretary of the Interior.*

I mentioned that the other day at some length. Briefly, five or six of our men have been killed and others injured in this work of suppression, and if they had these powers they would have much more standing and power in their work—this power conferred upon marshals and others.

The ACTING CHAIRMAN. What is the choice of the committee as to conferring upon these men the same power that marshals have?

Senator MYERS. I move that it be inserted as an amendment.

Senator McCUMBER. What is the objection to it? You have said to me privately that that was before the subcommittee and the subcommittee thought it was best not to allow it. What was the objection?

The ACTING CHAIRMAN. The objection was that it was going a good ways for us in a bill of this kind to legislate in that regard.

Senator McCUMBER. We made marshals by legislation. What objection is there if we legislate what the marshals shall do?

The ACTING CHAIRMAN. It is not a question of duty. This is conferring upon these men the power that marshals have.

Senator McCUMBER. Well, that is a duty.

Without objection the amendment was agreed to.

Commissioner VALENTINE. Mr. Chairman, I have also prepared, at your request, an item covering a request I made of the committee the other day for moneys to help us clean up the condition of traders' claims and merchants' claims against the Indians. The items I have prepared I have here.

The ACTING CHAIRMAN. The amendment proposed is as follows:

To enable the Secretary of the Interior to investigate, audit, and adjust, under such terms, conditions, and regulations as he may prescribe, the claims of licensed traders and other bona fide claimants who have claims against individual Indians under the jurisdiction of the Department of the Interior, seventy-five thousand dollars: *Provided, That ten thousand dollars of this amount may be used for clerk hire in the Indian Bureau.*

Senator SUTHERLAND. Where does that come in?

The ACTING CHAIRMAN. That would come in under the general provision here.

Senator SUTHERLAND. Right after line 10?

The ACTING CHAIRMAN. Yes; on page 5.

Commissioner VALENTINE. I have what I consider a very sound justification, provided the committee feels it needs anything further than its face to justify it. It is a very basic thing. These claims have been running for decades against some of the Indians. They are absolutely unfair to the traders not to be paid and are unfair to the Indians because they act as debts and millstones around the Indians' necks.

Senator BROWN. That makes a sort of court out of the Indian Department. I suppose the Indians deny some of these claims, do they not?

Commissioner VALENTINE. Not exactly. The Indians, I think, are very ready to pay at least what we should decide would be a just claim.

Senator BROWN. These debts would be paid out of what is coming to them?

Commissioner VALENTINE. Paid out of their individual Indian moneys.

Senator BROWN. There is a lot of merit in the proposition, but it is going a long way for the department to act as a court to hear these matters.

Commissioner VALENTINE. The bulk of these claims are in South Dakota, Montana, Wisconsin, and Nebraska.

Senator MYERS. In order to get the matter before the committee I move that it be adopted as an amendment.

Senator McCUMBER. I may possibly want to suggest an amendment to that, but I will vote for it.

Without objection the amendment was agreed to.

Commissioner VALENTINE. Mr. Chairman, it might be possible that some of the members of the committee might want to see this justification. It contains some detailed information that will be helpful to the Senators.

The ACTING CHAIRMAN. That will go into the report of the bill.

The paper is as follows:

1. A schedule of all claims made by Indian traders against Indians, except members of the Five Civilized Tribes, has been made up, and a copy has been forwarded to you. This schedule shows more than 180,000 claims, aggregating \$1,706,196.82, based upon transactions occurring prior to December 17, 1909. This was the date fixed in a circular by which notice was given that thereafter any credit extended to individual Indians would be at the risk of the trader, and that the department would not give aid in the collection of any claim arising after that date. The reports respecting these claims are only mere formal letters of transmittal, giving no information as to the merits, and hence copies of such reports have not been made. It is proposed now to proceed with the examination of these claims to determine the justness thereof both as to amounts and as to the prices charged. If the Indian debtor is able to pay, an effort will be made to bring about a fair and equitable adjustment and settlement of each claim. It is realized that this will involve an enormous amount of work and considerable expense, and that with the present force allowed the Indian Service the work of adjustment will be necessarily slow and extended over a long period of time. A speedy and fair adjustment could be effectuated only by an increase of the force at each superintendency.

The following estimate is submitted for the force necessary to adjust the \$1,706,196.82 worth of claims submitted to this office in compliance with your instructions of December 28, 1910:

2 special agents at \$2,000 each; and \$2,500 each for per diem and traveling expenses.....	\$9, 000
17 clerks, at \$1,200 each.....	20, 400
27 clerks, at \$1,000 each.....	27, 000
Traveling expenses for clerks.....	18, 600
	<hr/>
	75, 000

## JUSTIFICATION.

The amount estimated for is a little more than 4½ per cent of the amount of claims to be settled. The indebtedness, computed roughly in thousands, to be adjusted and distributed on the reservations throughout the United States, is as follows:

Oklahoma.....	\$475,000	Minnesota.....	\$42,000
South Dakota.....	320,000	Iowa.....	39,000
Montana.....	162,000	Kansas.....	28,000
Wisconsin.....	133,000	Michigan.....	23,000
Nebraska.....	119,000	North Dakota.....	17,000
Washington.....	65,000	Oregon.....	14,000
Idaho.....	58,000	Utah.....	10,000
Wyoming.....	45,000		

It will be seen that Oklahoma, South Dakota, Montana, Wisconsin, and Nebraska contain the greater part of the claims. It is suggested that the only practicable method of adjusting these claims is to have the auditing take place at the various reservations because of the proximity of both debtor and creditor and information concerning the bank account of the creditor. The indebtedness involves some 62 Indian reservations, and to place on each a man with the ability to assume complete charge of the auditing of these claims at each reservation or even half or a quarter of the reservations and to pay the salaries such men would demand and their traveling expenses shifting them back and forth, together with the necessary clerical aid they would require, would cost over \$100,000, and much delay would result from the necessity of these auditors becoming acquainted with local conditions and acquiring the information necessary to carry out their duties.

For this reason it is believed that it would be better to place the full responsibility for the adjustment of these accounts on the superintendents of the several reservations. These men have knowledge of accounting, they know their official records, they know their Indians, and they should know the traders. Such being the case, they are undoubtedly the best qualified persons to take administrative charge of auditing the claims if sufficient temporary clerical aid can be given them in addition to their present force to clear up the accounts promptly.

In this connection it should be remembered that the \$1,706,196.82 worth of claims involves only about 2,500 separate traders, of whom possibly 1,000 are persons holding only one or two minor claims against Indians, the remaining 1,500 being the large traders owning the greater amount and greater number of claims. Even in this case, with the exception of 8 or 10 of the reservations, the greater number of accounts will belong to only 5 or 6 traders. Such being the case, it is apparent that the difficult problems of ascertaining the responsibility of a trader and the integrity of his transactions with the Indians are on most reservations few in number, and when once definitely solved and a basis of settlement arrived at with the several traders nothing will be left but a mass of clerical detail work which can be rapidly handled.

It will be necessary, however, to adopt a uniform system or standard for the adjustment of these accounts for all of the reservations. It is for this purpose that the special agents are included in the estimate. They, of necessity, should be well qualified in accountant work and traveling from reservation to reservation during the year will be able, first, to procure the adjustment of all accounts on a uniform basis; second, to see that uniform and proper methods of procedure in the adjustment of the accounts are carried on at each agency; and, third, that the work is expedited, and as soon as the extra clerical aid has cleaned up account matters at one agency it is transferred to other parts of the field where there is a necessity for its services.

The salaries of the clerks have been placed at \$1,000 and \$1,200 because our clerical positions in the field service extend only from \$720 to \$1,400, and it is not believed that the extra force should receive salaries which are greater than those paid the regular employees.

As to the distribution of the clerical force, it is believed that 21 reservations, having claims amounting to less than \$10,000, can handle such claims themselves. The remaining 41 reservations will require clerical help as follows:

Reservation.	Amount of claims.	Number of claimants.	Number of \$1,200 clerks.	Number of \$1,000 clerks.	Time employment \$1,200 clerks.	Time employment \$1,000 clerks.
					Months.	Months.
Blackfeet.....	\$64,000	15	1	1	9	9
Cheyenne and Arapaho.....	110,000	272		2		24
Chippewas, Lake Superior.....	23,000	12		1		9
Cantonment.....	35,000	116		1		9
Cheyenne River.....	41,000	22		1		9
Coeur d'Alene.....	48,000	42	1	1	6	9
Colville.....	14,000	56		1		6
Crow.....	31,000	17		1		9
Crow Creek.....	34,000	38		1		9
Flathead.....	9,000	5		1		3
Fond du Lac.....	7,000	14		1		3
Fort Belknap.....	29,000	6		1		9
Fort Berthold.....	10,000	16		1		3
Fort Lapwai.....	12,000	69		1		3
Fort Peck.....	29,000	13		1		6
Fort Totten.....	7,000	14		1		3
Kaw.....	37,000	51		1		9
Keshena.....	86,000	72		2		24
Kickapoo.....	19,000	49		1		3
Kiowa.....	121,000	312	3		36	
Klamath.....	3,000	9		1		3
La Pointe.....	46,000	39		1		12
Leech Lake.....	9,000	4		1		3
Lower Brule.....	2,000	14		1		3
Otoe.....	12,000	45		1		6
Omaha.....	21,000	32		1		9
Pawnee.....	64,000	39		1		12
Pine Ridge.....	27,000	44		1		9
Ponca.....	82,000	102	2	1	24	12
Potawatomie.....	9,000	9		1		3
Red Lake.....	6,000	17		1		3
Rosebud.....	41,000	116	1		12	
Sac and Fox, Oklahoma.....	11,000	45		1		6
Sac and Fox, Iowa.....	39,000	121	1		12	
Santee.....	22,000	43		1		12
Seger.....	12,000	44		1		6
Seneca.....	19,000	56		1		6
Shawnee.....	2,000	10		1		3
Siletz.....	11,000	11		1		6
Shoshone.....	45,000	6	1		9	
Slusseton.....	150,000	46	3		36	
Tomah.....	5,000	32				
Tulalip.....	21,000	44		1		6
Umatilla.....	26,000	45		1		9
Uintah and Ouray.....	10,000	14		1		6
Winnebago.....	76,000	52	1	1	12	12
White Earth.....	20,000	27		1		6
Yakima.....	30,000	32		1		6
Yankton.....	25,000	52		1		6

Four clerks, at \$1,200, for use in the Indian Office.

The traveling expenses of the clerks will be necessary in transferring them from reservation to reservation as the work is completed from time to time. The expense will be comparatively small, because the work is confined, for the most part, to certain localities and the distance between reservations is short.

In closing up this work it is proposed to hold the superintendent responsible. The extra clerical aid will be used by him as he sees fit. It will not be necessary for them to be actually engaged on the accounting work, although they should be taken through the civil service for their knowledge of accounting. They will be assigned to the superintendent with the understanding that such assignment is made to enable him to clean up his trader's accounts, that it is believed he can do so within a certain time, and that he will be expected to settle the matter while the help is assigned him or complete it with his regular force within the next year.

The ACTING CHAIRMAN. The next amendment is one page 5, line 13. Strike out "four" and insert "five"; and on line 14 strike out the words "and fifty," so that it raises the appropriation from \$1,450,000 to \$1,500,000.

Is there any objection to the amendment?

Without objection the amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 8, beginning with line 1, which is as follows:

There is hereby appropriated the sum of \$250,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

Is there any objection to the amendment?

Senator CURTIS. I want to vote against the amendment. I want to understand it a little further, and I reserve the right to vote against it.

Senator SUTHERLAND. This seems to assume that this money shall be repaid.

The ACTING CHAIRMAN. Yes; it makes it a revolving fund.

Senator SUTHERLAND. Repaid out of what?

The ACTING CHAIRMAN. The Indians pay it back, each individual Indian.

Senator CURTIS. You loan the money to the Indian, and when he sells his crop he pays it back.

Senator SUTHERLAND. The Secretary of the Interior distributes this fund of \$250,000 and holds the individual Indian responsible for the amount he gets—is that the idea?

The ACTING CHAIRMAN. Yes. I think there has been some experience that has been very favorable to the plan.

Commissioner VALENTINE. Yes. The Indians have borrowed money to buy teams and tools in the spring, and they have actually paid back that very same fall the amount that was advanced. It is one of the most encouraging things in the whole Indian business.

Senator BROWN. I move that it be approved.

The amendment was agreed to.

The ACTING CHAIRMAN. The next is on page 9, line 17. We substituted "five" for "four" this morning. If there is no objection it will read "\$5,000."

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 10, line 12. We struck out "eighty-five" and inserted "one hundred and twenty-five."

Senator CURTIS. Mr. Commissioner, you estimated for \$105,000 there, did you not?

Commissioner VALENTINE. That was a mistake, Senator, in the printed estimates. This is the amount we estimated for.

Senator CURTIS. Have you had a supplemental estimate made?

Commissioner VALENTINE. That was the original estimate. The printing was wrong. It was a clerical error.

Without objection the amendment was agreed to.

Commissioner VALENTINE. Right there I have this suggestion to make: It does not increase the amount of the appropriation; but the Indian Office, particularly under some recent cases that have been passed, have suffered greatly from the lack of sufficient law books, and I should like to ask that there be inserted at the end of line 13 the following:

*Provided*, That the Commissioner of Indian Affairs may expend not to exceed one thousand dollars of this appropriation in purchasing law books for official use in the Indian Bureau.

We have asked for that appropriation for several years from Congress, and the only way we can do our work is to send men up to the Supreme Court library for the books we may need.

The ACTING CHAIRMAN. Is not this language broad enough—"and for other necessary expenses of the Indian Service for which no other appropriation is available"?

Senator CURTIS. It seems to me that would be broad enough.

The ACTING CHAIRMAN. I would not lumber any more into it than we have to.

Senator McCUMBER. I think you have authority under the preceding language.

The ACTING CHAIRMAN. Of course, if the comptroller has held that you have not, that is different.

Commissioner VALENTINE. No; I can not say that the comptroller has ever prevented us from doing this; but our own people have held that this fund was not available for that purpose.

Senator McCUMBER. "For other necessary expenses of the Indian Service."

Senator BROWN. That does not technically include the right to buy books.

The ACTING CHAIRMAN. Perhaps we had better put it in; then there will be no question about the authority.

Without objection, the amendment was agreed to.

The ACTING CHAIRMAN. The next amendment begins on line 14, page 10, and is as follows:

For continuing the work of classifying and indexing the files of the Indian Office and preparing historical data from records therein, including the pay of employees, \$5,000, to be immediately available.

Senator CURTIS. That is estimated for, Mr. Commissioner, is it?

Commissioner VALENTINE. Yes.

Without objection, the amendment was agreed to.

The ACTING CHAIRMAN (reading):

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855 to 866), and the regulations thereunder prescribed by the Secretary of the Interior, \$100,000.

Is there any objection to that?

Senator CURTIS. I want to vote against that. I reserve the right to make a point of order against it. I want to be recorded as voting against it.

The amendment was agreed to.

Commissioner VALENTINE. Right there, Mr. Chairman, you asked me to draw up in a little different form an item which I proposed to the subcommittee, increasing the limit now made by the law for the use of funds for agency purposes.

I suggest that at that point, beyond line 24, the following be inserted:

That so much of the provision of the Indian appropriation act of June 7, 1897 (30 Stat. L., 62-90), as limits the amount that may be paid for salaries or compensation to employees regularly employed at any one agency to \$10,000, and at a consolidated agency to \$15,000, is hereby amended by increasing the amounts to \$20,000 and \$25,000, respectively.

Senator CURTIS. What is that?

Commissioner VALENTINE. That raises the limit of 10 and 15 to 20 and 25, respectively. It does not make any increase in the appropriation, of course.

The amendment was agreed to.

Senator CURTIS. I reserve the right to make a point of order against that amendment.

The ACTING CHAIRMAN. There is a big difference, in my judgment, between these things and Indian matters in the House. I think these things ought to be appropriated for early in the session. I feel that the House would pass a bill that was pressed by the department, and it is unfortunate that so many of these things ever go on.

Commissioner VALENTINE. Mr. Chairman, we tried to provide for that by cutting down, as we presented it to the House, to the lowest possible amount.

The ACTING CHAIRMAN. I am not speaking of the amount at all.

Commissioner VALENTINE. They cut us very badly.

The ACTING CHAIRMAN. I am not speaking of amounts.

Commissioner VALENTINE. You mean the new items?

The ACTING CHAIRMAN. I mean the new items, the administrative items that go in here.

Commissioner VALENTINE. The only justification we have for that is that we are growing, or at least we think we are, and things come up that we had not thought of.

The ACTING CHAIRMAN. But one year's experience ought to anticipate these things for the next year, and so on. I believe that a bill pressed by the department could go through the House. I know that these other matters can not, a great many of them. However, it is too late for this session.

The next amendment is on page 11, line 14. We struck out the word "eight" on that line and inserted "eleven" on line 15 and that will change the total.

Senator CURTIS. You only estimated for \$9,000 there, and my recollection is that the subcommittee decided they would give you, or rather would recommend to the committee, what was estimated, and this bill is printed "eleven" instead of "nine." Your estimate was only \$9,000.

Commissioner VALENTINE. We are not asking for more than that.

Senator ASHURST. I submitted that at the request of the Indian agent near Phoenix, in which he stated \$11,000 would be necessary.

The ACTING CHAIRMAN. Yes; that is true, Senator Curtis.

Senator CURTIS. Mr. Commissioner, in order for us to protect ourselves in not going above the estimates, the Indian Office ought to send in supplementary estimates, so that we could defend them on the floor by reading a letter or something else.

The ACTING CHAIRMAN. The way we have always done was to have the commissioner, after we finished the bill, go through it and then prepare a report covering those things that have been put in.

Commissioner VALENTINE. We will be very glad to furnish that statement.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on line 20. We have changed the figure "three" to "five," and on line 21 we changed "twenty-one" to "twenty-three."

Senator CURTIS. That is another similar item. The first one was only \$3,000 and it has been made \$5,000.

Without objection the amendment was agreed to.

The ACTING CHAIRMAN. On page 12 we strike out all after the word "provided" down to and including the word "investigations," on line 20, and insert:

That the sum of \$25,000, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for examinations and surveys for reservoirs and irrigation works on the Gila River, Ariz., for the irrigation of Indian, private, and public lands in the Gila River Valley, such examinations and surveys to be made under the direction of the Secretary of the Interior. The results of the investigations, showing probable cost and feasibility of such works, to be reported to Congress at the earliest practicable date.

Senator SUTHERLAND. You make no direction who shall do that work?

Senator ASHURST. I want to say a word in that respect.

Senator BROWN. You are for the amendment?

Senator ASHURST. In some form, but not in this form. Senator Curtis was present the other day when it was discussed. It has in view the location of a project upon the Gila River, conserving the waters of that river that they may irrigate the rich public, private, and Indian lands below.

Some years ago the Reclamation Service made one of the most, if not the most, favorable report with reference to an irrigation project on that river as being the most feasible site that could be found. Then some influences—I must speak plainly—some influences got hold of the Reclamation Service, and they then made a report directly opposite, and ever since seem to be opposed to the San Carlos project. Therefore if this be left wholly to the discretion of the Secretary of the Interior, in order that the Reclamation Service may preserve that for which I never have had any regard—consistency—it would be antagonistic to the San Carlos. Therefore I most respectfully ask that after the word "Interior" be inserted the following:

By a board of three engineers of the Army, one to be appointed by the Secretary of War, one competent engineer to be appointed by the Secretary of the Interior, and one to be appointed by the Indian Office.

So that, perforce, this investigation will not be made wholly under the jurisdiction of a department that has already set its face against it.

The ACTING CHAIRMAN. Is there objection to the amendment?

Senator SUTHERLAND. I heard a good deal of that testimony with reference to this matter, and I must confess that I was very much impressed with the idea that there ought to be an independent investigation of that matter. The Reclamation Service already turned it down some years ago, and I think it would be better if we would provide for some additional investigation.

Senator ASHURST. Senator Curtis suggested that we let it remain, and in conference it could be taken care of.

Senator CURTIS. Not that way. I meant if you put in just what you want to go into this bill and go into conference, you are going to

have the House insist upon striking some of it out. If you leave out all reference to the engineers of the War Department, they will consent sooner to do it than they will to the amendment which goes direct from the Senate. That is why I suggested that you leave out what they particularly want.

Senator McCUMBER. Suppose they would prefer to have it this way?

Senator CURTIS. They would not, because they put in the other condition. They have already provided that it shall be done entirely by the War Department.

Senator SUTHERLAND. Why should we not simply amend the House provision?

Senator CURTIS. We do amend it.

Senator SUTHERLAND. Amend it this way: Strike out "\$10,000" and put in "\$25,000" and let it go through just as it is.

Senator CURTIS. Because you want a joint proposition, do you not?

Senator ASHURST. I should be very glad to do that if I thought there was any hope of getting the other through. I should be very glad to adopt Senator Sutherland's suggestion.

Senator BROWN. You are satisfied with the House provision?

Senator ASHURST. Yes, except as to the amount.

Senator BROWN. Let us change the amount then.

Senator ASHURST. Adopt the House provision and raise the amount from \$10,000 to \$25,000?

The ACTING CHAIRMAN. It seems to me that that would be the simplest thing.

Senator ASHURST. Then I move that that be stricken out. I withdraw the other amendment and move that that suggestion be followed.

The ACTING CHAIRMAN. It is moved and seconded that the House provision be retained, changing on line 17 the word "ten" to "twenty-five," and that the proposed amendment of the subcommittee be rejected.

The motion was agreed to.

Senator ASHURST. On line 6, page 13, you will recall that the subcommittee the other day adopted, or recommended the adoption of, the reinstatement of this appropriation of \$5,000 to secure water for the nomadic Papago Indians, because they wander about over the desert from place to place, and the department should have \$5,000 to sink wells here and there to obtain water for them. I move that that be restored; that lines 6 to 9, inclusive, on page 13, be restored.

The ACTING CHAIRMAN. It is moved that lines 6 to 9, inclusive, on page 13, be restored.

Senator SUTHERLAND. I had a letter the other day from Arizona, from a friend of mine, calling attention to this matter. The chamber of commerce—

Senator ASHURST. Yes; I am going to bring that up.

Senator SUTHERLAND. All right.

Senator McCUMBER. I believe we had better leave that out and let it go to conference. If you leave that in, you have nothing in conference in regard to that matter.

Senator CURTIS. That is exactly the point I made on the other proposition, that you will put yourself in very much better shape if you strike something out.

Senator McCUMBER. I agree with the Senator that we had better leave this other thing out.

Senator CURTIS. You will give them the whip hand if you do not. Of course, I do not care. I am not interested in this.

Senator ASHURST. I think I will take chances this time.

Senator SUTHERLAND. You mean that the House is not apt to agree to \$25,000?

Senator CURTIS. Yes.

Senator McCUMBER. I will vote against the proposition reinstating lines 6 to 9, for the reasons I have mentioned. They will all go into conference, and the more you can have in conference between the two Houses the more liable you are to get a bill that you consider just and favorable.

The ACTING CHAIRMAN. I think, Senator, you are making a mistake.

Senator ASHURST. I shall certainly defer to the opinions of the Senators.

The ACTING CHAIRMAN. The Senate Committee strikes out lines 6 to 9, inclusive.

On page 13, beginning with line 10:

For beginning the enlargement of irrigation system and the construction of dike for the protection of the Indian lands of the Papago Indian Reservation, Ariz., against semiannual floods, the total cost of the work not to exceed \$130,000, to be immediately available, \$100,000: *Provided*, That the proportion of the cost of the irrigation project on the Papago Indian Reservation herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Senator CURTIS. Let me ask a question of the commissioner. Mr. Commissioner, you estimated in the House document \$100,000 for that?

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. Do you not think if we put the amount \$100,000, as estimated, we would be more likely to get it than if we put it at \$130,000?

Commissioner VALENTINE. Yes. I think that was a mistake in wording it so that it would be immediately available. One hundred thousand dollars is all we want now. We simply wanted to state that the total cost of the project would be \$130,000. The act requires us to state the total estimated cost.

Senator ASHURST. I must oppose the whole appropriation, for I can do nothing else with the lights before me and the great many telegrams I have received from civic bodies, citizens of the city of Tucson, etc., stating that if any disturbance is made in the present situation it will destroy their whole water supply, convinces me I must oppose it until I am advised further.

I have a petition here signed by the chamber of commerce, and I believe it states the position more succinctly than I can state it, and I ask that the clerk read the letter to the committee, and then we can get more light upon the subject than if I were to discuss it. They are opposed to the whole proposition, and with the light before me I am obliged to oppose it also.

Senator SUTHERLAND. I am obliged to go. I will ask to be excused. My vote can be cast with the gentleman from Arizona on that proposition.

The clerk read the petition as follows:

CHAMBER OF COMMERCE,  
Tucson, Ariz., April 25, 1912.

HON. HENRY F. ASHURST,  
Senate Chamber, Washington, D. C.

DEAR SIR: Your attention is respectfully called to a report of the recent hearing before the subcommittee of the committee of the House of Representatives, on Indian Affairs. Contained therein is a discussion of a proposed appropriation by the department of \$130,000 for the purpose of developing the underflow of the Santa Cruz Valley on the Papago Indian Reservation, for the use of the Papago Indians.

To one not familiar with the peculiar conditions which exist to-day in the Santa Cruz Valley, and to one not interested in the future progress of this valley and the city of Tucson, the fact that the Government contemplates the development of practically all the available water supply of this valley for use on Indian lands would be of but passing interest.

But to those who are interested in the development of the great dormant resources of this valley, which is so vital to the welfare of our citizens and the growth of Tucson, such action on the part of the Government can only be a source of the gravest alarm. The valley of the Santa Cruz is probably the most fertile valley in Arizona. At this time, however, there are not to exceed 3,000 acres under cultivation within a radius of 40 miles from Tucson, yet thousands of acres of the most excellent of lands, immediately adjoining this city, are lying idle, awaiting only the application of water to make them productive.

Within sight of Tucson there are 10,000 acres of land in the Santa Cruz Valley, which must depend upon the underground waters of the Santa Cruz River for their development. Much work in the way of development has been done, but such lands as have been reclaimed, although extremely productive, supply but a fractional part of the great quantity of food products required by the residents of our city. The records of the Southern Pacific Railroad Co. and the Wells, Fargo Co. show that the importations of farm products into Tucson last year amounted to almost a million dollars. This enormous consumption of high-priced farm products is increasing yearly, and the only hope of the residents of this city and the Santa Cruz Valley for relief from this condition, which is becoming more acute each year, as the cost of the necessities of life increases, lies in the development of the agricultural lands which are at our very doors.

As everyone who is familiar with the conditions existing in this semiarid region is aware, the greatest asset which we have is our water supply. The crying need for this life-giving element is so great in almost all localities of Arizona that its value can not be estimated in dollars and cents. The number of our population, the growth of our communities and cities, and the well-being of our citizens, depend mainly upon the water supply, and manifestly the meagerness of this supply makes it all the more precious.

This condition probably prevails to a greater degree in the valley of the Santa Cruz than in any other valley in Arizona. Here we have a growing city of nearly 20,000 people, with a tributary population of several thousand more, with the underflow of the Santa Cruz Valley their only source of supply for both domestic and agricultural purposes, except a few hundred inches of water used for agricultural purposes on the Rillito River about 10 miles northeast of Tucson.

At this time there has been developed and placed to beneficial use approximately 35 second-feet of the underground waters of this valley of the Santa Cruz, in and about Tucson. From investigations carefully made it is estimated that the remaining amount of this underflow is very meager, and barely sufficient to reclaim enough lands around Tucson to supply the local demand for farm products and the increasing needs of the city for a domestic supply. The remaining amount of this underflow has been estimated by experts to be no more than that which would be required to irrigate the 3,000 acres which it is proposed to reclaim on the Papago Reservation.

It is reported that at this time there is water developed on this reservation for but 300 acres; yet we are reliably informed that the amount of water now flowing in the Indian ditches is sufficient to successfully irrigate more than double this acreage, and that fields of the finest Indian lands are now lying fallow because the owners will not cultivate them.

On account of the great disparity between the land and water supply in this valley existing water rights have become very valuable, the actual value of 1 second-foot of water being from \$10,000 to \$20,000. So great has become the need of the residents of Tucson and the Santa Cruz Valley for an extension of agricultural development that, after several years of effort, outside capital has recently been induced to come into the valley to undertake the development of its resources.

Tucson is located on the main line of the Southern Pacific Railroad, and the main West Coast line into Mexico, and the El Paso & Southwestern Railroad is now being constructed into our valley and city, and Tucson is therefore a railroad center of considerable importance. But of far greater importance to our well-being is the development of our agricultural lands.

After much effort, the anticipations of our citizens are about to be realized in the development of our lands and in the providing of a more abundant water supply for our city, which is so vitally needed. Appropriations of water have been made, and active work is now in progress for reclaiming our useless lands. Surely the crying needs of our community are of far greater importance than are the requirements of a few Indians, who do not utilize to the best advantage all the water which they now have.

The development of water for an irrigation project for the Indians, along the lines proposed by the department, by which practically the entire underground supply of water of the Santa Cruz Valley will be diverted, which has already been or now is being appropriated to beneficial use by the city of Tucson and owners of lands in the vicinity thereof, means the utter ruin of vested rights amounting to many hundred thousand dollars.

Surely the Government will not knowingly contemplate any such action, and once having been fully apprised of the true conditions, will not jeopardize the present and future development of the Santa Cruz Valley and the city of Tucson by attempting the reclamation of several thousand acres of land for Indians who do not utilize what they now have water for.

Such an act on the part of the Government would be nothing short of a calamity to our community, and we respectfully request that you use your best efforts to protect our interests and oppose any appropriation being made for the purpose of developing the underflow of said Santa Cruz River and Valley.

If it be necessary to build works to protect the lands in the reservation from floods, which would not cost to exceed \$25,000, this can and should be done in such a manner as to work no injury to the people of Tucson and the present owners of the water rights and lands along the Santa Cruz River and Valley.

Very respectfully,

JOHN METS,  
*President.*  
F. RONSTADT,  
JOHN I. REILLY,  
J. W. ESTILL,  
GEO. T. FISHER,  
W. A. JULIAN,  
W. R. KETT,  
*Directors.*

Senator McCUMBER. Who introduced that amendment?

Senator ASHURST. I do not know.

Senator CURTIS. It is a House document. It was put in by the department. What they say is, "For beginning the enlargement of irrigation system and the construction of dike for the protection of the Indian lands of the Papago Indian Reservation, Ariz., against semiannual floods." It was a House estimate. We put in the estimate, but agreed to leave all estimates of the department to the full committee for its consideration in order that the committee might act on every estimate made by the department.

Senator McCUMBER. Has it not been established to your own satisfaction that diverting the little water that would have to be

diverted there and in consideration of the fact that we are going to store a lot of it there, that it would give more for general use than if they had the underground flow? Have you had such an investigation that you yourself would be certain with regard to that?

Senator ASHURST. I have not had an opportunity as yet. I have just received that communication and would like, if possible, to have another day designated for the consideration of the matter.

Senator CURTIS. I think you will find that taking the underflow there—what little there is, or even large—it would not affect the flow below.

Commissioner VALENTINE. The proposition is to build a dike to prevent the country from being washed out. We have 1,200 acres under cultivation, or twice the amount that the letter states. The situation is perhaps more clearly shown by this map.

Senator ASHURST. I do not believe that any of the underflow should be taken.

Commissioner VALENTINE (exhibiting map). Here is the reservation, and the purpose is to build this dike to keep this Santa Cruz River from washing all over the country. We feel very certain from our reports that there would be just as much water go down the river as now, only it will go down without having committed depredations up here [indicating].

Senator CHAMBERLAIN. It confines it to a narrower channel?

Commissioner VALENTINE. Yes, sir.

Senator McCUMBER. And it will go gradually instead of all at once?

Commissioner VALENTINE. Yes. In fact, it will improve the regularity of the flow instead of injuring it.

Senator McCUMBER. There is less waste.

Commissioner VALENTINE. Yes, sir. It now cuts up the country, and makes it impossible for an Indian to know where they will have a crop from one year to another, or whether he will have them to harvest at all. I fully appreciate the position of the town of Tucson, and appreciate the Senator's position.

Senator CURTIS. I suggest that we let that matter go over. We can not finish it to-day. I make that motion.

The motion was agreed to.

The ACTING CHAIRMAN. The next is on page 14, line 20, as follows:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of \$250,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or industrial day schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

Is there objection to that?

Without objection, the amendment was agreed to.

Commissioner VALENTINE. Mr. Chairman, I understand, with regard to that Papago matter, that Mr. Rusk, of the Bureau of Catholic Indian Missions, would like to be heard. Would you like to give him a hearing at the next meeting?

The CHAIRMAN. Yes.

Senator ASHURST. I would like to ask that he be present.

The ACTING CHAIRMAN. The next amendment is in line 10:

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the White Mountain, or San Carlos, Indian Reservation, in the State of Arizona, with respect to the necessity of constructing suitable steel and concrete wagon bridges, with approaches thereto, across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes herein authorized.

Senator CURTIS. I reserve the right to object to that, and will make the point of order on the floor against it because it is new legislation.

The ACTING CHAIRMAN. The next amendment is on page 16, line 1, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the Yuma Indian Reservation, in the State of California, with respect to the necessity of constructing a suitable thoroughfare bridge of sufficient strength and capacity to safely carry street cars, in addition to foot and wagon traffic, over and across the Colorado River, connecting Fort Yuma, on the Yuma Indian Reservation, Imperial County, State of California, with the town of Yuma, State of Arizona, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridge, at such a site as he may select, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein authorized.

Senator CURTIS. And the same as to that.

The ACTING CHAIRMAN. Without objection that is agreed to.

Senator CURTIS. I reserve my objections.

Senator OWEN. Mr. Chairman, we have about seven minutes before 12 o'clock, and I desire to ask if the committee can have a meeting this afternoon with regard to this matter.

Senator CURTIS. I think we had better stop at California.

Senator ASHURST. There is one other item with reference to Arizona. It is in the estimates that we discussed the other day, and is as follows:

For constructing dike to protect allotments on the Fort Mojave Indian Reservation (submitted), \$33,000.

For continuing the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, \$35,000, reimbursable as provided in said act. (Act of Apr. 4, 1910, vol. 36, p. 273, sec. 3.)

The ACTING CHAIRMAN. Do you offer that?

Senator ASHURST. Yes.

The ACTING CHAIRMAN. Without objection it will be inserted.

Commissioner VALENTINE. That is, that both items are to go in?

Senator ASHURST. It is the one I have just read, for the construction of the dike, and then for the construction of the necessary canals, making a total appropriation of \$68,000.

Commissioner VALENTINE. Then there is another item with respect to the Colorado River; one is Fort Mojave and the other the Colorado River.

Senator OWEN. Mr. Chairman, I would like to bring up an item for the Osages before the committee adjourns if it be not out of order. I have received a telegram from the Osage chief this morning with regard to the matter. This amendment provides—

That the Secretary of the Interior is authorized in his discretion and upon application to remove restrictions upon alienation of all or only a described portion of the surplus lands of any Osage allottee, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of any Osage moneys available for that purpose, to defray any clerical expenses incident thereto: *Provided*, That the Secretary may, where the same would be to the best interest of the Osage allottees, and the same is recommended by the Osage National Council, permit the exchange of homesteads, or any portion thereof, of Osage allottees, under such rules and regulations as he may prescribe, and upon such terms as he may approve: *Provided always*, That no exchange of homesteads shall be permitted except the allottee obtain and designate as a homestead a like quantity of land suitable for agriculture, which new homestead lands shall be subject to the same restrictions as the original homestead.

Some of these people have surplus lands on the homestead lands which are not good for agriculture, and they want to be authorized to make an exchange without making them alienable, however. I see no objection to it. I think the latter part of it is subject to a point of order, however.

Senator McCUMBER. I think we had better take into consideration whether we want to release the operation of the present law.

Senator OWEN. Then I am content to simply ask for the latter part of it, if there is no objection to it.

Senator McCUMBER. I can see no objection.

Senator OWEN. We had it in the bill before.

Senator CURTIS. I reserve the right to make a point of order against it for this reason: We passed that bill and it was sent over to the House, and on the floor they amended it, and we asked the Senator from Oklahoma to have that matter go to conference; that we ought to fight out that homestead proposition. The Senator from Oklahoma thought it perhaps was not the best thing to do to let it become a law, and this is a proposition to have the same thing in an appropriation bill.

Senator OWEN. I agree that it is not very good legislative procedure.

Senator CURTIS. I called you attention to it.

Senator OWEN. I remember it very well, but rather than have any delay about it—I was on the point of leaving the city—I ask that it go through. If there is any objection I shall not insist on it. I simply suggested it because I have a telegram from an Osage chief asking for it.

Without concluding the consideration of the bill and amendments, the committee, at 12 o'clock m., adjourned until to-morrow, Friday, May 3, 1912, at 10 o'clock a. m.

FRIDAY, MAY 3, 1912.

COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
Washington, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (acting chairman), Curtis, Owen, Chamberlain, Myers, and Ashurst.

STATEMENT OF HON. R. G. VALENTINE, COMMISSIONER OF  
INDIAN AFFAIRS, WASHINGTON, D. C.—Resumed.

## THE KICKAPOO INDIANS.

Senator OWEN. Mr. Commissioner, I call your attention to page 259 of the House hearings, where the expenditures are analyzed. The amount for the support of the Kickapoos is \$2,000; \$1,897.44 goes to employees and \$45 for hardware. I would like to know if it would not be better to distribute that \$2,000 among the Kickapoos. There are only 80 of them, and I believe it would be better to give that money to them rather than to the employees.

Commissioner VALENTINE. How would you provide for the employees?

Senator OWEN. I would dismiss them.

Commissioner VALENTINE. Dismiss them all?

Senator OWEN. Surely. What do you want with \$2,000 for employees to look after 80 Indians? Why not give that money to the Indians?

Commissioner VALENTINE. I think that is supplemented by some money from the general appropriation; I do not know how much.

Senator OWEN. I do not think that 80 Indians ought to have \$2,000 worth of employees.

Senator CHAMBERLAIN. I do not either. I venture to say they could take one man from the tribe to look after the 80.

Commissioner VALENTINE. I would have to familiarize myself with the details of that before I could answer intelligently.

Senator OWEN. I think that money should be distributed to these people per capita.

The ACTING CHAIRMAN. What is the trouble about getting the rent money to these Kickapoos in Mexico now?

Commissioner VALENTINE. The State Department has thought it unwise to send anybody into Mexico at this time.

Senator CHAMBERLAIN. Are there some of them in Mexico?

Commissioner VALENTINE. Yes; they are down in Mexico. The State Department was afraid of international complications if we should send an official down there.

The ACTING CHAIRMAN. Could it not be sent by mail to some bank?

Commissioner VALENTINE. I will say they are in Sonora; they moved down, and they had some interest in moneys up here which have to be distributed to them. We tried to lose them altogether when they went to Mexico.

Senator OWEN. How many of the Poncas are there, Mr. Commissioner?

Commissioner VALENTINE. Six hundred and thirty-six.

Senator CHAMBERLAIN. What do those employees do there?

Commissioner VALENTINE. I do not know.

Senator OWEN. I think that is a waste of public money with regard to the Kickapoos. It ought to be given to the Indians. If they would simply send a check for the amount, I would be perfectly willing to give it to them; but I do not believe in keeping up that kind of administration.

Commissioner VALENTINE. No.

Senator ASHURST. Where do these needy Kickapoos live?

Commissioner VALENTINE. Down in Pottawatomie County, Okla.

Senator OWEN. Can you tell me the number of Pawnees there are?

Commissioner VALENTINE. Six hundred and fifty-three.

Senator OWEN. I notice among the employees that there are some of them school employees.

Commissioner VALENTINE. Yes, sir; they are of both classes.

Senator OWEN. But they are not differentiated here in this analysis.

The ACTING CHAIRMAN. In the item on page 35, line 21; "for support and civilization of the Kickapoo Indians in Oklahoma, \$2,000," there is no reference to employees. In the following item, "for support and civilization of the Ponca Indians in Oklahoma, including pay of employees," it was \$8,000 and we raised it to \$9,000.

Senator OWEN. I think the schools are all right, but I do not think it is worth while to expend such an amount of money for mere employees.

The ACTING CHAIRMAN. Is it a fact that of that \$2,000, \$1,800 goes to the employees?

Senator OWEN. Yes; the Kickapoos do not get any of it.

Commissioner VALENTINE. That is a gratuity appropriation.

Senator OWEN. I do not care whether it is a gratuity or not.

Commissioner VALENTINE. These support appropriations are used and have been used for years for employees.

Senator OWEN. It ought to be called, then, for the support of employees, ought it not?

Commissioner VALENTINE. That would probably be more correct.

The ACTING CHAIRMAN. Really, Mr. Commissioner, is there any justification for it?

Commissioner VALENTINE. As I said, Mr. Chairman, I have not given any personal attention to it, and I would have to look it up to see what the needs of that place are, administratively.

Senator OWEN. On page 259 of the House record, before the Indian Appropriation Committee, this matter is set up fully, stating that there is \$2,000 appropriated for the support of the Kickapoos. An analysis of the expenditure shows that the employees get \$1,897.44 and hardware \$45, and the Kickapoos themselves do not get anything except in so far as they might be supposed to be served by those persons. But there are only 80 Kickapoos there, and it looks to me as if it were an improper use of public moneys.

Commissioner VALENTINE. But they have property rather out of proportion to the mere number of the Indians.

Senator OWEN. What property have they?

Commissioner VALENTINE. You will probably recall that there has been a great deal of trouble on their lands there, particularly involving this split of the tribe between the United States and Mexico.

Senator OWEN. Congress made special appropriation to look after that, I understand.

Commissioner VALENTINE. Only on the local side, where suit was involved.

Senator OWEN. That was the recovery of these lands.

Commissioner VALENTINE. Yes; not with regard to the administration of their property. I am the last one to want to retain a cent of money or jurisdiction that we should not have, and I shall be very glad to look into this and let you know the precise situation. I do not feel competent this morning to tell you what is involved.

Senator OWEN. It seems to me that these tribes—the Kickapoos, Poncas, and Pawnees, could be looked after by some agency without having these numerous employees, and to expend \$2,000 to look after the affairs of 80 people—I suppose there are 15 or 20 families—it looks like unwise administration.

Commissioner VALENTINE. It might in one sense, but if the property of these Indians amounted to a great many thousands of dollars it might be a rather small charge, might it not?

Senator OWEN. I do not think that could possibly be construed to be a small item, to say that it costs \$2,000 to supervise 20 families, which means \$100 a family.

Commissioner VALENTINE. Suppose the estate was \$200,000, that would be 1 per cent of the total value of the estate expended in looking after it.

Senator OWEN. The estate might have such a value as that, but it is purely an arbitrary estimate. You might say that it was valued at \$2,000,000.

Commissioner VALENTINE. On the Ponca Reservation oil has just been discovered, which will introduce a number of complex problems.

Senator CHAMBERLAIN. But they can not sell their land.

Commissioner VALENTINE. Yes, sir; where they have been allotted, they can sell inherited land.

Senator CHAMBERLAIN. These agents could not prevent that very well, could they?

Commissioner VALENTINE. They are the ones who supervise it, and are supposed to see that it is done rightly and that the Indians are properly protected. This hearing before the House Committee is only about one-third of the actual statements made before the committee. They did not print the full hearing.

Senator CHAMBERLAIN. Let me ask you this: Take a tribe like the Kickapoos, where there are only 80 in the different families, so to speak. Suppose they were permitted to fritter away their holdings, would they not become absorbed by other tribes or by the white population?

Commissioner VALENTINE. I think they would become absorbed, but whether we would be fulfilling our full duty toward them as a Government is a question.

Senator CHAMBERLAIN. I do not know why we would not be if they scattered and took up their places in the ordinary walks of life.

Commissioner VALENTINE. If they were sure to take up their places.

Senator CHAMBERLAIN. They never will as long as we keep them segregated.

Commissioner VALENTINE. It is a basic question whether we shall continue this advanced supervision that we are at present exercising in taking care of them.

Senator OWEN. I think we are carrying it too far.

Senator CHAMBERLAIN. So do I.

Senator OWEN. That practically amounts to \$100 a family to look after them.

Senator CHAMBERLAIN. What would be the income of those families from their estates?

Commissioner VALENTINE. Those are the points that I would have to look up for you.

Senator CHAMBERLAIN. You have no information at present?

Commissioner VALENTINE. I do not feel competent this morning to give you the real details that would justify this item.

Senator CHAMBERLAIN. How many Indians are there altogether all over the country?

Commissioner VALENTINE. There are about 296,000, excluding 25,000 freedmen and 2,500 married whites.

Senator CHAMBERLAIN. How much does it cost to keep them up?

Commissioner VALENTINE. The bill has been running—averaging \$10,000,000. Then there are large amounts of money used, of course, from tribal funds, and some past appropriations still available. It would amount to probably \$16,000,000 a year—something like that—including the per capita distribution.

Senator OWEN. There are 18,000,000 families in the United States, and if we expended money on the same basis to look after the people of the United States, we would expend \$1,800,000,000. I think that would be a rather expensive administration.

Commissioner VALENTINE. Some of the plans, that nobody knows better than yourself, unless they are with regard to health conditions, would require a large amount of expenditure.

Senator OWEN. Yes; but in point of fact you realize that in spite of this expenditure of money about one-half of these Indians have trachoma, and they have not been cured of it. Why have they not been cured of it, if this expenditure is properly administered down there? They ought to look after that.

Commissioner VALENTINE. The amount of money available for that purpose until the present year—unless the amount that is now in the bill goes through—is a mere drop in the bucket.

Senator OWEN. But \$100 a family ought to cover trachoma.

Commissioner VALENTINE. It is going to be no inexpensive job to avert the danger of trachoma among the 10,000,000 or so white people scattered around the communities.

Senator OWEN. I think it is a very dangerous and mischievous disease, and one that ought to be treated very carefully.

Commissioner VALENTINE. It is incurable.

Senator OWEN. You think it is?

Commissioner VALENTINE. I am so informed. It is like the heaves in a horse. You can keep it down, but you can not cure it.

#### CALIFORNIA.

The ACTING CHAIRMAN. The next amendment is on line 5 of page 17, proposing to strike out "ten" and insert "twenty-three."

Senator CURTIS. Right there, Mr. Commissioner, you only estimated for \$21,000.

Commissioner VALENTINE. We are not asking, you will remember, for anything more than our estimate. The House cut our estimates and we asked to have them restored.

Senator CURTIS. That is why I want you to explain, because my understanding was that we were to recommend your estimates. Now, your estimate is \$21,000, and this bill gives you \$23,000.

Commissioner VALENTINE. That was probably done in response to some particular request.

Senator CURTIS. There is no new item added?

Commissioner VALENTINE. No; but in one or two of these cases I remember certain gentlemen appeared before the committee and asked for increases beyond our estimates.

Senator CURTIS. But there would be a new item if a Senator offered an amendment. This is the bill as it comes to us from the House. If any Senator offered an amendment there would be an item to show what that extra amount was for. Now, they simply gave them what they estimated for, and we increase their estimate \$2,000.

Commissioner VALENTINE. I think I read the committee a letter from the superintendent there calling attention to certain needs. It may have been in response to that.

Senator CURTIS. In the way of repairs?

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. If you have that, send it up so that we can have it before us to defend the proposition.

Commissioner VALENTINE. Yes, sir.

The amendment was agreed to.

The CHAIRMAN. The next amendment is on line 10, page 17, changing "eighteen" to "one hundred."

Senator CHAMBERLAIN. How did that happen to be changed?

Senator CURTIS. They estimated one hundred thousand and the House gave them eighteen, and we agreed to put in that estimate and submit it to the full committee. The subcommittee put in for your consideration the one hundred thousand, which was the estimate made by the department. Was there any explanation made on the House side why they cut it to eighteen thousand?

Commissioner VALENTINE. No, sir. We put in all the information we had on the subject, and when the bill was reported out of the committee it contained that cut.

Senator CURTIS. Is \$100,000 needed?

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. All of it?

Commissioner VALENTINE. Yes, sir.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 19, line 2, to strike out the word "ten" and insert "thirteen"; also, in line 9, page 19, to strike out "3,000" and insert "3,500," and raise the total accordingly.

Senator CURTIS. Mr. Commissioner, you have only estimated for another amount instead of thirteen. In other words, we gave you thirteen and you estimated for eleven. Do you know anything about that?

Commissioner VALENTINE. No; whatever our estimates are is all we ask, and all I asked for before the subcommittee.

Senator CURTIS. Is that all you want?

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. Then I think we ought to make that what the estimate was unless you can give a reason otherwise. It is in Kansas, and nobody has called my attention to any need for more than \$11,000 for repairs.

Commissioner VALENTINE. I understand Senator Curtis to say that our estimate was only \$11,000. The estimate in the total is as it is now in the bill, \$140,750, and the estimate, of course, was \$11,000 for general repairs and improvements.

Senator CURTIS. That is what was increased to \$13,000.

Commissioner VALENTINE. That should not have been done. That should read \$11,000, as it is now.

Senator CURTIS. What else do you ask that was left out? How do you explain the \$2,000 discrepancy?

Commissioner VALENTINE. That would be an addition to the general support and education part of the item.

Senator OWEN. The first part is \$127,000, and \$11,000 make \$138,000?

Commissioner VALENTINE. We estimated for \$129,750. There was \$2,000 additional asked for repairs and improvements, making the total item as it now reads in the bill, \$140,750.

Senator CURTIS. Then what you want is \$129,700?

Commissioner VALENTINE. Yes, sir. That leaves the total as before. In printing the bill apparently the whole amount was added to the repairs and improvements, which was not our estimate.

The ACTING CHAIRMAN. The amendment was agreed to. The next is "Michigan." There is no change there.

Senator ASHURST. Mr. Chairman, before we proceed to another State, my colleague [Senator Smith] is here, and he would like to say a few words with regard to the Papago item.

The ACTING CHAIRMAN. Very well. That is on page 13.

#### **STATEMENT OF HON. MARK SMITH, A SENATOR FROM THE STATE OF ARIZONA.**

Senator SMITH of Arizona. Mr. Chairman and gentlemen, I am opposed to the amendment on pages 13 and 14. I do not desire to delay the committee but I do want to give the facts, as I know, much better I apprehend than any man in the whole Interior Department, the condition of the Papagos on the Papago Indian Reservation. It is within 10 miles of my home town. Tucson is one of the oldest cities in the United States, probably the second. The people have been living there and irrigating the land around Tucson even before the Papago Indians had ever thought of having any support from the Government, or making appropriations of any water.

The entire supply of this city comes from the watershed on the reservation where these Indians have lived, for over 150 years. The statement that the lands are less cultivated now than they have been is simply gratuitous. I do not know where the commissioner gets his data, but I do know that the whole scheme is involved in one statement which I have just looked over in the hearings before a subcommittee of the House. I find it on page 122 of that report, and is as follows:

Until development is made no one can tell just how much surplus water there will be, but the fact that the whites are trying to get hold of the reservation to develop

water would indicate that the people of the country believe that there is considerable underground water there.

This is the first time the department ever heard of any underground flow of water on that reservation.

Now, the truth is that the whole watershed of the Santa Cruz River finds its way through a comparatively narrow channel within the Papago Reservation, and the underflow, if there be much underflow, must rise and come through this channel. The river flows for a great deal of the year in its bed through the city of Tucson. At times it is perfectly dry, yet it is the whole water supply of that city. Nearly 20,000 people depend on pumping the waters that flow through and under this reservation. It is true that people have attempted to see what amount of developed water could be had by going just to the place where these impervious banks abut, to see what could be done there. The white people have been trying to see if water was flowing under there, but the Indians have never made any appropriation of any underflow from the earliest times.

Now, without any investigation further than some statements that I see here—I do not know who gives them; the names, even, are not given—they say that they propose now, when they claim there are only 300 acres under irrigation—2,800 they claim; but they say with water for only 300 acres of land—they are going to go in and not only dike this river 4 or 5 miles, but build across it this dam that is proposed here in the map, taking the water probably 20 miles above Tucson and let it “waste its force against a barren rock,” as said in this report.

I have no objection, and neither have the people of that city any objection to the preservation of these Indian lands by any sensible means; but we do object to paying \$130,000 to give, through the agency of the Government, a right to all this underflow of water. As the designs here set forth, they could take all the water from that lower valley entirely, and leave a city of 20,000 people without it.

Tucson is a great railroad center. Railroads are running or will soon run through it from the City of Mexico to the city of San Francisco. The Southern Pacific, the El Paso & Southwestern, and the Rock Island running trains through the city makes it a great railroad center. One of the important railroad towns of the West is to be subjected to this appropriation, and have their water taken from them, or run the risk of having it taken from them, without the slightest investigation by anybody on earth. It is proposed to put it on an Indian appropriation bill. No wonder I got, as soon as attention was called to it, the resolutions, which I shall ask to have printed in these hearings, from the Chamber of Commerce of the city of Tucson, which appreciates the danger that is threatened here.

The resolutions referred to appear in another part of this report.

We wish to preserve that land. I know it as well as I know any room in this Capitol, and I know this Indian reservation, having been over it thousands of times. These Indians have been living there for 100 years, and would make a good living to-day except for the repressive legislation of Congress in reserving everything on earth. An Indian can not go out and cut a mesquite bush from the public lands and sell the roots to the city of Tucson for firewood. With this right to cut wood they could make a good living, because they have fairly

good teams and horses. If white men were attempting to stop Tucson's water supply we would not be here protesting, because we could stop them by an injunction of the court. We do not want to be in a position to have to sue for our very existence, and especially against a grant made by Congress. Our fire protection and our sewer system could be absolutely ruined by this thoughtless legislation, and it strikes me that it is an absolutely inhuman suggestion. If we have the rule here which obtains in the House that no new legislation shall be put on an appropriation bill, I shall certainly invoke that rule to defeat this. In fact you prevent the white people from ascertaining the underflow from the lands owned by them on the Indian reservation.

I have nothing further to say except to enter this my protest. Every member of this committee can see that there has not been enough thought given to the matter. It has not been looked into and it has not been investigated.

It is the purpose, as they say, to irrigate 3,000 acres of land from that stream. I know if they irrigated 3,000 acres of land from the overflow of that river it would be a desert below that reservation, and it would give every Indian 11 acres apiece, and according to the commissioner's own estimate, make every one of the Papagos a landed estate owner; every head of a family worth \$5,000.

Now in order that you gentlemen may understand it, when this underflow finally gets through this narrow channel it opens into the valley on which the city of Tucson is situated. To the north and the south there are ranges of mountains, and this valley lies between the reservation and the city. The wells supplying the city are some distance from the river, fed by the river's underflow. There is no other source of getting the water except from the river supply. The whole city of Tucson derives its water supply from these wells that we are pumping constantly. If you stop these wells for a week absolute desolation would strike the city and its enterprises, and it strikes me as being absolutely awful in its possible effect; and I certainly hope the committee will not, without further investigation than this, put in any such item in this appropriation bill.

Senator CHAMBERLAIN. Where does the suggestion come from for the insertion of this amendment in the appropriation bill—from the Indian service?

Senator SMITH of Arizona. I do not know where it comes from.

Senator CHAMBERLAIN. Does it come from your department, Mr. Commissioner?

Commissioner VALENTINE. Yes, sir.

Senator CHAMBERLAIN. I believe you claimed yesterday that it would not diminish the flow so as to affect the citizens of Tucson?

Commissioner VALENTINE. That is our understanding.

Senator SMITH of Arizona. That is a mere conjecture, as the commissioner must know.

Senator CHAMBERLAIN. Have you had the engineer of the department examine it and make detailed estimates?

Commissioner VALENTINE. I will be glad to read from the records on that subject when the Senator is through.

Senator SMITH of Arizona. The statement is "the following is in justification." What is "the following"? The following has not a word in it contrary to what I have said.

The ACTING CHAIRMAN. Senator Smith, I do not think you need go any further with your argument. For one, I think the committee would be agreed that with the men on the ground protesting we certainly would not approve the suggestion without further investigation.

Senator SMITH of Arizona. That is all I desire. With that assurance, I am very much obliged to you.

The ACTING CHAIRMAN. I think I have voiced the sentiment of the committee.

Senator CURTIS. Whether you do or not, it is general legislation in the item, and it will be subject to a point of order—more so with the objection of the Senator from the State; there would be no use in putting it in the bill, unless the commissioner desires to make some statement with regard to it.

Senator SMITH of Arizona. I am not blaming the commissioner. I do not wish him to feel that I am making any specific criticism of him. I have no doubt he is working on information received from people who did not know. He is in good faith trying to help the Indians.

Senator CURTIS. As I suggest, it would be subject to a point of order anyway.

Commissioner VALENTINE. I do not take the Senator's remarks as personal at all. I might add just one word. As I have stated, the report of the proceedings before the House committee did not contain all the testimony that was submitted to that committee, and I want to call the attention of the committee to the fact that on April 28, 1908, W. H. Code, chief engineer of the Indian service, was instructed by the then Secretary, Mr. Garfield, to have a careful report made of the condition of the Papago Reservation, and this whole file which I have here contains reports of the engineers made in accordance with the instructions of the Secretary and at other times and contains photographs showing the very bad condition caused by these waters, and contains, among other things, a report made on June 29, 1908, to the Secretary by Mr. Code, transmitting a report of Mr. Oldburg, of some length, as you will see, with a photograph, and, among other things, the papers show that the department has at various times been subjected to a great deal of criticism by various organizations down there, and also from a man named Joseph E. Wing.

Senator SMITH of Arizona. He does not live in that country.

Commissioner VALENTINE. Also from a man in Tucson, Ariz., named Brewster Cameron.

Senator SMITH of Arizona. He has been dead for years.

The ACTING CHAIRMAN. I do not think the committee at this time ought to go into this matter. I do not think that the committee ought, against the protest of a man who lives on the ground, to take this step when it is subject to a point of order.

Commissioner VALENTINE. I am not urging it. I simply want to call the attention of the committee to the fact that we have an extensive record showing the investigation. I did not want the record to show that we acted simply out of a clear sky.

Senator SMITH of Arizona. The only trouble is that there are so many men that make these reports that we do not know anything about.

The ACTING CHAIRMAN. We have now reached Minnesota. On page 20, line 12, we raise "forty-three" to "forty-four," and then I

inserted an amendment for the construction of a drain from Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, \$1,500.

The amendment was agreed to.

The ACTING CHAIRMAN. On pages 21, 22, 23, and 24 there is a long provision for the appropriation of \$100,000 of their money to build a hospital for the Chippewa Indians. I think the commissioner can verify the importance of it.

Commissioner VALENTINE. The only suggestion I would have to make is, we feel very strongly that local hospitals on the different reservations near to the homes of the Indians are preferable to a central hospital for the Indians' part of the State, and we have suggested an alternative for the consideration of the committee. I want to make it perfectly clear that, as you have said, Mr. Chairman, it is a very vitally necessary thing. We do not want to be understood as stickling on the form, but simply to put before the committee an alternative item which reads as follows—

Senator CHAMBERLAIN. That is, in lieu of this new matter that is inserted in the bill?

Commissioner VALENTINE. Yes, sir.

The alternative item is as follows:

That there is hereby appropriated, out of any funds in the Treasury of the United States belonging to the Chippewa Indians of Minnesota not otherwise appropriated, the sum of \$100,000, to be used by the Secretary of the Interior in constructing, equipping, and maintaining hospital buildings at such points on the White Earth, Red Lake, and Leech Lake Reservations, or any one of such reservations, as he may deem advisable, for the use and benefit of the Chippewa Indians of Minnesota.

The head of our medical service has recently made a very careful investigation of the health conditions up there.

Senator CHAMBERLAIN. That authorizes you to use more than one hospital?

Commissioner VALENTINE. Yes, sir. In line with the statement I made at the start, we feel that local hospitals near the homes of the Indians are preferable to single hospitals in a central situation.

Senator ASHURST. This is in the State of Minnesota, is it?

Commissioner VALENTINE. Yes, sir. I am merely suggesting that as an alternative item for the consideration of the committee. I am not stickling on the details of anything so important as this.

The CHAIRMAN. Of course this is new legislation. A certain condition has developed up there. I can not but feel, Mr. Commissioner, that the department should take these things in time, they relating to purely departmental matters. Of course it is too late to get it through at this session, and it is for the committee to say if they want it incorporated. Personally I would agree with the commissioner as to the three smaller hospitals.

Senator ASHURST. I move that it be put in the bill.

Senator CHAMBERLAIN. So do I, if it is needed.

Senator ASHURST. I think we should take care of the health above everything else.

Senator CURTIS. I am going to insist on making a point of order on this legislation as to this hospital and all other similar matters. Of course, if the matter can be satisfactorily explained after the point is made, I might be induced to withdraw it; but I serve notice that I am going to make it on all of this legislation.

The ACTING CHAIRMAN. It will be inserted, there being but one objection made to it.

Senator CHAMBERLAIN. Would you change it to conform to this suggestion or leave it in its original language?

Senator CURTIS. Let the chairman use the language he thinks best.

The ACTING CHAIRMAN. I will confer with the House Members as to that.

Now, last year we appropriated \$1,000 for a bridge on the Red Lake Reservation, and Mr. Steenerson tells me, and I think the department agrees, that we have got to have \$1,500 more. Do you know anything about that, Mr. Commissioner?

Commissioner VALENTINE. Yes, sir.

Senator ASHURST. Was not Mr. Steenerson before the committee on that point?

The ACTING CHAIRMAN. Yes; on last Thursday. Unless objection is made, I will put that item in. I will frame it in the language of the former bill.

We have now reached Montana, page 24, line 19; the amendment is to strike out "fifteen" and insert "twenty-five."

Senator CURTIS. Mr. Commissioner, you have only estimated for \$15,000 there for the support and civilization. That was explained by Senator Myers, I believe.

Senator MYERS. The commissioner afterwards recommended the raise to \$25,000.

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. That is all right.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 25, line 10, to strike out the word "two" and insert "four."

Senator CURTIS. Mr. Commissioner, you have only estimated for \$250,000 there, and they appropriate or recommend \$400,000.

Commissioner VALENTINE. Which item is that?

Senator CURTIS. That is on page 25, line 10.

Commissioner VALENTINE. That is the Flathead Indian Reservation?

Senator CURTIS. Yes; you estimate for \$250,000, and they put in \$400,000. There is a mistake there. I took my figures from the Book of Estimates.

Senator CHAMBERLAIN. I think Senators Myers and Dixon made statements with regard to that.

Commissioner VALENTINE. The Reclamation Service estimated \$700,000, something like that, and I believe Senator Dixon appeared before the committee and asked for an increase, and then they questioned me about it, and I told them—I made a statement addressed to the chairman, I believe—that I thought it was very important, if we were engaging in these big projects that were going to cost three or four million dollars, and which were carefully estimated in advance to cost that much, that it would be advisable to push ahead until the project was completed, rather than to push ahead on the community system—

Senator CURTIS. Is this not the plan which has been considerably condemned by people who have been up there?

Commissioner VALENTINE. I have not heard of any condemnation of it; no, sir.

Senator CURTIS. I would like to say that in regard to one of these Montana plans, letters have come to me complaining that it was not satisfactory, that it was a useless expenditure of money, so much so that one man refused to take land in that neighborhood. He wrote a letter which I sent to the Secretary of the Interior and requested a careful investigation. I do not know whether this is the one or not. I did not keep a copy of that letter.

Senator MYERS. I never heard of any complaint about this one. The demand is to push them more and more. Senator Dixon explained this fully the other day. He knows more about it, of course, than I do. But I heartily concur in his position. This is repayable. It is only a question of a little out each year.

Senator CURTIS. That does not help the situation any if the project is not successful. If it is not successful, we are not justified in undertaking it. We are not justified in throwing the Indians' money away for anything that is not a success.

Senator MYERS. I never heard a word of complaint about this project.

Senator CURTIS. I will ask the Secretary to return the letter to me. He will probably have it, and I will then know whether this is the same project.

Senator MYERS. I should very much like to have this matter stand, and if there is any objection to it let it be thrashed out on the floor. I ask that it be reported.

The amendment was agreed to.

The ACTING CHAIRMAN. Now we come to the proviso on lines 13 to 16, inclusive, which has been stricken out, and unless objection is made it will remain stricken out.

The amendment was agreed to.

The ACTING CHAIRMAN. Then we added \$50,000 on line 22.

Senator CURTIS. Mr. Commissioner, you only estimated for \$100,000 there, and they gave you \$150,000.

Commissioner VALENTINE. That was the same thing. I think it was handled in the same way that I have outlined in regard to the Flatheads.

Senator CURTIS. Have you any reports showing the exact conditions on these two reservations or these two projects?

Commissioner VALENTINE. Yes, sir.

Senator CURTIS. I wish you would send them to the committee, or send them to me, as I should like to read up on them.

Commissioner VALENTINE. I will be very glad to do so.

The amendment was agreed to.

The ACTING CHAIRMAN. Then we strike out the proviso beginning on line 24.

Senator MYERS. That \$150,000 stands?

The ACTING CHAIRMAN. Yes; for the present. The proviso beginning on line 24 has been stricken out. Is there objection?

The amendment was agreed to.

The ACTING CHAIRMAN. Now, the next is the item for the Fort Peck Indian Reservation irrigation, which is as follows:

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation in Montana, including necessary surveys, plans, and estimates, \$75,000, reimbursable, the same to be immediately available.

The question is whether it will remain in.

The amendment was agreed to.

The ACTING CHAIRMAN. Now, we come to page 28.

Senator MYERS. There is an item of \$40,000 on page 26 for new buildings on the Flathead Reservation.

The ACTING CHAIRMAN. You are right. It is as follows:

There is hereby appropriated the sum of \$40,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is hereby authorized and empowered to use said money, or so much thereof as may be necessary, in the erection of buildings for agency purposes on the Flathead Indian Reservation in Montana; for the purchase of lands therein for an agency site not to exceed 80 acres if such is deemed by the Secretary of the Interior to be necessary for the proper location of such agency; for the expenses of the removal of the agency to the new site selected; and for the protection and repair of any other buildings required for the efficient conduct of the affairs of the Flathead Indians in Montana: *Provided*, That the entire sum expended hereunder for the purposes herein mentioned shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

Senator MYERS. Senator Dixon had charge of that and represented the need of it. He knows more about it than I do, but I heartily concur in it.

The amendment was agreed to.

Senator CURTIS. I reserve the right to make a point of order in regard to that item.

The ACTING CHAIRMAN. There is also an amendment on page 27, appropriating \$30,000 for the purpose of surveying the lands of the Fort Belknap Indian Reservation, Mont.

The amendment was agreed to.

Senator CURTIS. I also reserve the right to make a point of order on that item.

Commissioner VALENTINE. Before going on with the next one I would like to call your attention to an item that we have asked for protection in the manufacture of timber on the Flathead Indian Reservation. It was asked for in the supplemental estimates, \$20,000, and has not been included in the bill.

The ACTING CHAIRMAN. Well, it will be considered as a motion pending.

Senator ASHURST. What is the appropriation for?

Commissioner VALENTINE. It is as follows:

Protection and manufacture of timber on Flathead Indian Reservation: There is hereby appropriated the sum of \$20,000 to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as he may deem necessary, in the purchase of a sawmill and logging equipment and the employment of suitable persons to manufacture and to lumber burned timber on the Flathead Indian Reservation, Mont., and to protect the remaining timber from fire and trespass: *Provided*, That the sum expended under authority of this act shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within said reservation under existing acts of Congress: *Provided further*, That the amounts paid to persons employed hereunder shall not be included within the limitation of salaries and compensation of employees in the Indian Service contained in the act of June 7, 1897 (30 Stat. L., 90).

Senator CHAMBERLAIN. Mr. Commissioner, do you think it good policy for the Government to go into the manufacture of lumber? Would it not be better for your department to sell this down timber?

Commissioner VALENTINE. We can not get any purchaser for it in the present condition of the market and the railroad facilities for handling it.

Senator ASHURST. If the Government would saw its own timber, it would save many thousands of dollars.

Senator CHAMBERLAIN. If they sawed these logs up they could utilize the lumber, could they not?

Commissioner VALENTINE. Yes. There were a great many forest fires two years ago, which left some timber that under the existing law we have been unable to dispose of. This would clean up the forests and prevent further fires.

Senator MYERS. I move that it be inserted as an amendment.

The motion was agreed to.

The ACTING CHAIRMAN. On page 28 it is provided:

That so much of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Mont., be, and the same hereby is, amended to read as follows: "That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Mont., which lie below an elevation of 9 feet above the high-water mark of said lake for the year 1909, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation."

Senator MYERS. I move that it be adopted.

The motion was agreed to.

Senator CURTIS. I reserve the right to make a point of order on that item.

The ACTING CHAIRMAN. We now come to Nebraska. On page 29 we add:

For construction of septic tank on sewer main at the Indian school at Genoa, Nebraska, one thousand five hundred dollars.

For cottage for superintendent of Indian school at Genoa, Nebraska, four thousand dollars.

For additions to hospital and office at the Genoa Indian School, Genoa, Nebraska, three thousand five hundred dollars.

The amendment was agreed to.

Senator CURTIS. I reserve the right to make a point of order in regard to these three items. They are not estimated for.

The ACTING CHAIRMAN. Last year, at the request of Senator Brown, I introduced a bill in regard to the Santee Indians—

Senator CURTIS. What is that—a claim bill?

The CLERK. These are Santee claims.

Senator CURTIS. Are you going to put the Santee claim on there?

The ACTING CHAIRMAN. Senator Brown is very anxious to have it put on.

Senator CURTIS. I will make a point of order on that.

Senator CHAMBERLAIN. How much does it involve?

Senator CURTIS. I do not care if it does not involve 50 cents. It is a claim.

The ACTING CHAIRMAN. We put it on last year. I will read it:

[S. 5227, Sixty-second Congress, second session.]

A BILL For the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians' declared forfeited by the act of February 16, 1863.

*Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7th Stat. L., p. 538), and August 5, 1851 (10th Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and

said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

SEC. 2. That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

SEC. 3. That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys designated in a power of attorney executed March 8, 1910, by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates, as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

It provides for putting this thing in here and going to the Court of Claims with the Santee claims.

Senator CURTIS. I reserve the right to make a point of order in regard to that item. If you put that in you ought to put in every other claim and let them all go to the Court of Claims. You ought to take every Senator's case and put them all in and let them all stand on the same footing.

Senator CHAMBERLAIN. If we did, you would make a point of order against them.

Senator CURTIS. I would make a point of order against them all, but that is the only fair way to do.

The ACTING CHAIRMAN. Senator Brown would like to have this in. Senator MYERS. I move that it be put in, subject to Senator Curtis's objection.

The motion was agreed to.

The ACTING CHAIRMAN. It follows after these other items on line 9, page 29.

Now we reach New Mexico. On line 23, page 29, we have added: "For addition to girls' dormitory, including heating plant, \$10,000," changing the total accordingly.

Senator CURTIS. They are both estimated for. All those items in that are estimated for.

The amendment was agreed to.

The ACTING CHAIRMAN. On page 30, lines 8 to 19, inclusive, we strike out:

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation at Shiprock, N. Mex., with

respect to the necessity of constructing a bridge across the San Juan River at Shiprock on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

Senator CHAMBERLAIN. Why was that struck out?

The ACTING CHAIRMAN. Because we substituted the appropriation for it.

The amendment was agreed to.

The ACTING CHAIRMAN. On lines 20 to 23, inclusive, on the same page, we substituted a direct appropriation of \$16,000.

The amendment was agreed to.

Senator CURTIS. That is estimated for by the department.

The ACTING CHAIRMAN. Line 24, on page 30, to line 2 on page 31, we provide for a special attorney for the Pueblo Indians of New Mexico.

Senator OWEN. What is that for?

The ACTING CHAIRMAN. That has been put in ever since I have been in the Senate.

Senator CURTIS. It has been put in for about 30 years. There are a lot of lawsuits, and the department has recommended that it is advisable to have this lawyer; that he saves a great many thousand dollars and a great deal of time and trouble by having him down there to protect the Indians who own little tracts of land and who have not very much money and can not hire anybody to look after their interests for them.

Senator OWEN. How many of those Indians are there?

Commissioner VALENTINE. Several thousand of them.

Senator CURTIS. We left it out one time, or started to in the House, and there was such a showing made that we gladly put it back again.

The ACTING CHAIRMAN. I think it should go in. You so regard it, do you not, Commissioner Valentine?

Commissioner VALENTINE. Yes; it is very important.

Senator OWEN. Who is the attorney?

Commissioner VALENTINE. Mr. Wilson.

Senator OWEN. How long has he been in the service?

Commissioner VALENTINE. Two or three years.

Senator OWEN. Where is he located?

Commissioner VALENTINE. At Santa Fe.

Senator OWEN. He is really kept occupied by his services to these people?

Commissioner VALENTINE. Yes, sir.

The amendment was agreed to.

The ACTING CHAIRMAN. On page 31, lines 12 to 16, inclusive, we struck out:

For pay of one special agent, at \$1,050; one physician, at \$600; and one financial clerk, at \$600 per annum, in addition to employees otherwise provided for at the New York agency; in all, \$2,250.

Senator OWEN. I move that it remain as it is—struck out.

The motion was agreed to.

Senator CURTIS. Let me ask the commissioner a question right there. I notice that you have provided for several financial clerks in your bill that have not heretofore been provided for and one or

two places at supposed agencies where there was really no agency. What is the reason for that?

Commissioner VALENTINE. I do not quite catch your question.

Senator CURTIS. To illustrate it: Shawnee is not an agency; it is a subagency?

Commissioner VALENTINE. I think so.

Senator OWEN. A superintendency?

Senator CURTIS. That is right; a superintendency. And there you have a financial clerk.

Commissioner VALENTINE. In the bill?

Senator CURTIS. I think so; that is my recollection.

Senator OWEN. There is a stenographer and typewriter in addition to the other employees there.

Senator CURTIS. Wait until we get over to it.

Commissioner VALENTINE. I can explain the reason for that.

Senator CURTIS. That is what I want.

Senator OWEN. Why is the term "agency" used for the Shawnee instead of "superintendency"? You do not intend to change the status, do you?

Commissioner VALENTINE. No.

Senator CURTIS. That is the question I was going to ask.

Senator OWEN. I move that the term "agency" be stricken out and the word "superintendency" be substituted.

Senator CURTIS. Let us wait until we get to that.

The ACTING CHAIRMAN. We changed line 22, page 31, by inserting: "For rebuilding employees' quarters destroyed by fire, \$6,000," and changed the total accordingly.

Senator CURTIS. Mr. Commissioner, I think that ought to be done, but it is subject to a point of order because it is not estimated for, and you ought to send us a strong letter on it.

Commissioner VALENTINE. Yes; we will do so.

The ACTING CHAIRMAN. Now on page 32:

For the purchase of a site at or near the town of Pembroke, Robeson County, N. C., and the erection thereon of a suitable building for a school for the Indians of Robeson County, N. C., the sum of \$25,000.

Senator CURTIS. That is also subject to a point of order.

The ACTING CHAIRMAN. Yes; I know.

The amendment was agreed to.

The ACTING CHAIRMAN. On page 32, line 14:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their far-distant nonreservation allotments, \$100,000.

Senator OWEN. What does that mean?

The ACTING CHAIRMAN. That was done while I was away.

Senator CURTIS. I do not remember about that.

The CLERK. Senator McCumber introduced that amendment. That is one of the amendments you suggested Senator McCumber should add to the bill. He has some letters and papers in support of that.

Senator OWEN. What does that mean by "far-distant nonreservation"?

The ACTING CHAIRMAN. There was a time that they permitted Indians to take homesteads outside the reservation. I think they repealed that law afterwards.

Senator CURTIS. They can now.

The ACTING CHAIRMAN. The Indians of our State can not.

Commissioner VALENTINE. Would it not be better to leave out the words "far-distant" because the question might arise as to what number of miles are involved?

The ACTING CHAIRMAN. Yes. Making it read "upon their non-reservation allotments." I think that would be better.

Senator CURTIS. Really, is that needed, Mr. Commissioner?

Commissioner VALENTINE. When some Senator introduced that we were asked about it, and we wrote in reply that it would be a desirable thing to have. Those Indians by a treaty passed nearly 15 years ago were reduced to two townships, and the thing hung for about 10 or 12 years, and by that time most of the public lands in North Dakota and that part of Montana had been otherwise taken up, so that these Indians had pretty poor picking.

Senator CURTIS. How many of them are there—only a few?

Commissioner VALENTINE. There are nearly 3,000.

Senator OWEN. I would like to ask about that. That is a very large amount of money. How many people are there?

Commissioner VALENTINE. Accurately there are—

Senator OWEN. About how many?

Commissioner VALENTINE. My recollection is that there are upward of 2,300; I think it comes nearly to 3,000.

Senator OWEN. How would this money be used to assist them?

Commissioner VALENTINE. It would be used to assist them in getting started on their allotments. The two townships are very good land right next to the Canadian line in North Dakota, very rich land, but the outlying allotments which they have to take to make up, now that the two townships have been so thickly settled, are pretty barren and sandy, and they have in many cases a pretty hard way to make a living. The idea would be to assist them in breaking up these lands and assist them in getting settled.

Senator OWEN. Is this purely a gratuity to the Indians?

Commissioner VALENTINE. That is my understanding.

Senator OWEN. Has that been a practice of the Government to make these gratuities in this fashion, a hundred thousand dollars at a time, to help these people?

Commissioner VALENTINE. I think this is rather a new thing.

Senator OWEN. I shall object to that.

Commissioner VALENTINE. There are 2,700 Indians.

Senator CHAMBERLAIN. And we are appropriating how much?

Commissioner VALENTINE. A hundred thousand dollars.

Senator OWEN. We are establishing a precedent. This is a pure gratuity. It is a very large amount of money, and I do not think it should be made.

The ACTING CHAIRMAN. I think unless we get through before 12 o'clock we had better pass it and let Senator McCumber be heard, since he is a member of the committee.

Senator OWEN. Let us pass it, then.

The amendment was temporarily passed over.

The ACTING CHAIRMAN. Now, on the same page, 32:

For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, \$2,500.

That, I think, is a necessity.

Senator OWEN. I move that that stand.

Senator CURTIS. That is not estimated for. The commissioner ought to send us something on the necessity for these things.

Commissioner VALENTINE. We did not estimate for this school this year at all.

Senator OWEN. You did not estimate for it at all?

Commissioner VALENTINE. No.

Senator CURTIS. It is in the bill. What was your idea, to support it outside of this appropriation?

Commissioner VALENTINE. The department for several years has not considered the school necessary to the service. It did not estimate for it last year or this year.

Senator CHAMBERLAIN. But it is in here.

Commissioner VALENTINE. It was put in in the House.

Senator OWEN. Why should we not strike that out, then?

The ACTING CHAIRMAN. Oh, no; I do not think we should do anything of the kind. We should keep that school. It is away out there on the Missouri. Of course I will put a motion, if any member insists on it.

The amendment was agreed to.

The ACTING CHAIRMAN. On page 33, line 4, we strike out the figure "4" and on line 5 insert the figure "6" and then add: "Two thousand dollars of which shall be immediately available," changing the total to meet the increase.

The amendment was agreed to.

The ACTING CHAIRMAN. On line 10 we strike out "18" and insert "28," and on line 11 we strike out "2" and insert "5," and on line 12 we insert the words "including fencing of building grounds, \$3,000," and then change the total accordingly.

Senator CURTIS. Mr. Commissioner, line 10 you only estimated for \$18,200.

Commissioner VALENTINE. The suggestion was made after our estimates were in, I think by the supervisor of the Indian Service, that that school should be increased to take full advantage of the increased capacity of the buildings that were furnished by Congress last year. The school is now in shape to take care of 150 instead of 100 children.

The ACTING CHAIRMAN. Is objection made?

Senator CURTIS. I am not going to object, but I think, as I said before, the commissioner should send us something to sustain us. I do not see how we can sustain ourselves in reporting the increase unless we have something to show why it should be made.

The ACTING CHAIRMAN. Every time, so far, when we have made the bill up the Indian Office has then been asked, and of course will be asked now, to make a supplemental report covering all these things that have been put in on the suggestion or with the indorsement of the commissioner.

Commissioner VALENTINE. We will be glad to do that, Mr. Chairman.

The ACTING CHAIRMAN. That is done after the bill is written so that you can refer to the pages.

The amendment was agreed to.

The ACTING CHAIRMAN. On lines 15 to 20, inclusive, we have inserted an item for the erection of a silo and the purchase of an ensilage cutter, as follows:

For erection of silo and purchase of ensilage cutter and other farm machinery, \$2,000; for purchase of milch cows and other live stock and poultry, \$2,000; for erection of hospital building and equipment of same, \$25,000, to be immediately available.

Senator CURTIS. That is all new; not estimated for.

The ACTING CHAIRMAN. I suppose in the Wahpeton School the commissioner depends a good deal on the Senator to see that these things are taken care of.

Senator CURTIS. If he really recommends stuff that is needed. This will be the first silo that is erected. Next year we will have 10 silos to erect.

The ACTING CHAIRMAN. Do you not believe in silos?

Senator CURTIS. I do where you raise enough stuff to justify it; but in most of these Indian reservations you do not raise enough stuff to feed the mules.

The ACTING CHAIRMAN. Ought it not to be encouraged?

Senator OWEN. A silo in dry weather is a building which will enable the people to really preserve food products which are produced when they have a season, which would otherwise dry up and blow away, possibly, after the drought comes on. I suppose everybody knows perfectly well what a silo is.

Senator ASHURST. I must confess that I do not.

Senator OWEN. If I may be permitted to explain that for the benefit of the Senator from Arizona, who is a new member and, therefore, not thoroughly informed in regard to silos, I would like to say that it is a circular building erected ordinarily of concrete, into which fresh green corn is put after having been run through a machine which reduces it to a pulp. It settles upon itself and it preserves itself so that in the winter time it is available for food. It makes an excellent feed for cattle and for milch cows, etc. You fill the silo during the season when everything is fresh and green, and it becomes like sauerkraut used for human food. In a way it preserves products that otherwise would dry up and blow away.

Senator ASHURST. I thank the Senator for his explanation.

The amendment was agreed to.

The ACTING CHAIRMAN. Beginning on line 21 we have added the following:

That the Secretary of the Interior be, and he is hereby authorized and directed to pay to the Indians of the Standing Rock Indian Reservation in the States of North Dakota and South Dakota, immediately after the passage and approval of this act, out of moneys derived from the sale of certain of their lands under the act of May 29, 1908, and now in the Treasury of the United States to the credit of said Indians, a \$40 per capita cash payment.

Senator CURTIS. Do you want to do that, Mr. Commissioner?

Commissioner VALENTINE. No, sir.

Senator OWEN. Why not, Mr. Commissioner?

Commissioner VALENTINE. I think it is a fine way to waste money, to make the per capita payments.

Senator OWEN. You do not think it would be a good thing to make per capita payments?

Commissioner VALENTINE. No, sir.

The ACTING CHAIRMAN. Is there objection made to that?

Senator CURTIS. If it is left in the bill I am going to make a point of order on it, as it is new legislation.

The amendment was agreed to.

The ACTING CHAIRMAN. We now come to Oklahoma. On page 34, line 17, after the word "benefit" the following is stricken out:

And he is hereby authorized to withdraw from the Treasury the further sum of \$40,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, \$65,000.

The subcommittee struck that out.

Senator CHAMBERLAIN. Was that at the request of the Congressmen from the State?

Senator CURTIS. And substituted instead:

For the purpose of fitting up the old agency and other buildings of the Kiowa, Comanche, and Apache Agency, for hospital purposes, \$10,000.

Senator CHAMBERLAIN. I think the Congressman from that State desired to have the part which is stricken out retained, did he not?

Senator CURTIS. Yes.

Senator OWEN. That was Mr. Ferris. He strongly desired that it be left as it was. The Kiowas themselves, or somebody for them, protested against it.

Senator CURTIS. Every head of a family of any account has protested against it. They say they have no objection to donating the use of their buildings if they want them. I think the commissioner said here the other day that if we are to have them we had better not have one big hospital but we had better have them divided up among the Indians.

Senator OWEN. What is your opinion about that, Mr. Commissioner?

Commissioner VALENTINE. I prefer local hospitals nearer to the homes of the Indians.

Senator OWEN. I understood that an objection was afterwards made with regard to the use of the old Kiowa's buildings for hospitals, on account of the buildings being right in the town.

Commissioner VALENTINE. I have never heard of that.

Senator OWEN. Are those buildings located in town or not?

Senator CURTIS. I think they are in town.

Commissioner VALENTINE. I think they are.

Senator CURTIS. If you need a hospital to treat those people, you certainly ought to have it in the town.

Commissioner VALENTINE. Over 90 per cent of them are infected with trachoma. They have \$4,000,000 in the Treasury of the United States, and their health conditions are almost as bad as anywhere in the country. It seems a crime to let the money stay in the Treasury and permit them to live under the conditions they do.

Senator OWEN. Your opinion is that they ought to have the hospital?

Commissioner VALENTINE. They ought to have several of them.

Senator CURTIS. Why do you not cut out that item and settle it in conference and see if you can not get two or three hospitals? I am opposed to using their money over their objection.

Senator CHAMBERLAIN. Have they any appreciation of their condition?

Commissioner VALENTINE. I do not think they have.

Senator OWEN. I do not think they have. This trouble that they have, trachoma, is a very serious disease. They finally become blind unless properly treated, do they not?

Commissioner VALENTINE. Yes.

Senator CHAMBERLAIN. I think in the name of health they ought to have it. Do you think, Senator Curtis, that they realize the dangerousness of trachoma?

Senator CURTIS. No; I do not think they do. I really do not think that one-tenth of them are troubled with trachoma.

Senator OWEN. The commissioner says that 90 per cent of them are suffering from trachoma.

Senator CURTIS. I say I do not agree with the commissioner. Ninety per cent of the trouble is the fact that they treat themselves with their urine. You will find it not only among the Indians, but you will find it is in every country where the people treat their own eyes with their urine. They have bad eyes. You can put them in all the hospitals you please, but you can not stop that disease of the eye until you educate them up to the fact that they must not treat themselves.

Senator OWEN. They do use urine for their eyes?

The ACTING CHAIRMAN. Oh, yes; they do.

Senator CURTIS. I can take you into any West India country, and you can mingle with the inhabitants, and you will find that 90 per cent of them have bad eyes, because they treat themselves; that is the trouble with the Indians on the reservation.

Senator OWEN. This will leave it go into conference, anyway.

The ACTING CHAIRMAN. Yes; only I was going to answer the suggestion. I do not know whether in any conference we can use this for more than one hospital.

Senator CURTIS. Why do you not change that?

The ACTING CHAIRMAN. We will have to do something there, and we will have to put it in conference.

Senator OWEN. You might say, "For hospital purposes and for hospitals." You have "old agency and other buildings."

Senator CURTIS. Why do you not make it read: "For the purpose of fitting up the old agency and other buildings and other hospitals," and make it \$20,000, if you want to get other hospitals on the reservation?

The ACTING CHAIRMAN. "And the construction of other hospitals."

Senator OWEN. Make it \$20,000 instead of \$10,000.

Senator CURTIS. Yes. Would you not, Mr. Commissioner, in the meantime give us something definite on that and where you think they should be located and something about them?

Commissioner VALENTINE. Yes, sir.

The ACTING CHAIRMAN. That amendment on page 35 will read:

For the purpose of fitting up the old agency and other buildings of the Kiowa, Comanche, and Apache agency for hospital purposes and the construction of other hospitals, \$20,000.

The amendment was agreed to.

Senator OWEN. At this point I desire to present the following protest and have it made a part of the record.

The ACTING CHAIRMAN. It will be received and incorporated in the record.

The paper is as follows:

WASHINGTON, D. C., March 5, 1912.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

DEAR SIR: We, the undersigned, desire to protest against the withdrawal of the sum of \$40,000, or any part thereof, on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma.

Our people do not wish this money used in this way. If any of our people get seriously sick, enough to go to a hospital, we want them to go to the same hospital that other people do.

AHPEAHTONE (his x mark),  
D. K. LONEWOLF, *Chief of Kiowas*,  
MILLET HO-KOY-BITTY (his x mark),  
OTTO WELLS,  
LAURA D. PEDRICK,

*Representing the business committee of the Kiowa, Comanche,  
and Apache Tribes of Indians.*

Senator CURTIS. I would suggest, Mr. Commissioner, that you prepare an item so that the conference committee can consider it.

Commissioner VALENTINE. Yes; we will be very glad to do so.

The ACTING CHAIRMAN. Then, on line 24 we changed the figure "8" to "9," for the support and civilization of the Ponca Indians.

The amendment was agreed to.

The ACTING CHAIRMAN. On line 4, page 36, "6" is changed to "7"; and on line 5 "90" is changed to "91."

The amendment was agreed to.

Senator OWEN. Now that Kickapoo Indian case comes up. There are 80 of them, and we are spending a great deal of money for their support and civilization. Could not those people be looked after from one of these other agencies?

Senator CHAMBERLAIN. A little further back you will find that.

Senator OWEN. No; those are in Kansas. That is an entirely different band, and there are over 80 children in this one.

The Kansas Indians are up next to the Osages, are they not?

Commissioner VALENTINE. Yes, sir.

Senator OWEN. Could not they be looked after from the Osage Agency?

Commissioner VALENTINE. I would like to consider that pretty carefully. I shall be glad to write you in detail just what the situation is in regard to that if you would like to have it.

Senator CURTIS. I wish you would, and send a copy to the committee. I think you will find if you look into the Kickapoo Indian situation that you do not need an Indian agency there.

Senator OWEN. I should think that the South Fork agent could look after the Shawnees and the Kickapoos.

Commissioner VALENTINE. We will see if we can not make a consolidation there to reduce the expenses.

Senator OWEN. I would like you to see if you can not arrange that.

Commissioner VALENTINE. We will be very glad to look into it.

The ACTING CHAIRMAN. Senator Gore yesterday left the following amendment:

That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of the several annual installments due on the purchase price of the lands sold under the act of Congress approved June 17, 1910: *Provided*, That such deferred payment shall bear 6 per cent interest.

Senator CURTIS. He did not ask that to be put on the bill. He asked for a separate report, and we agreed to it, the same as to the other bill that went through.

The ACTING CHAIRMAN. I think he offered it as an amendment.

Senator CURTIS. I can help you in regard to that. If you remember, he said he wanted it to be reported as the other bill was. He said he wanted it treated the same as the Kiowa, Comanche, and Apache bill. He asked for a report and we agreed to it.

Senator OWEN. He spoke to me about extending the Canadian payments.

Senator CURTIS. That is it. We authorized the report of the bill as amended by the Secretary of the Interior.

Senator OWEN. The bill has already passed the Senate.

Senator CURTIS. No. This is another bill. This is the Cheyenne and Arapaho, and we passed the Kiowa, Comanche, and Apache bill.

Senator OWEN. Here is the bill I introduced, and it was passed.

Senator CURTIS. Then he has forgotten about it.

Senator OWEN. It was passed June 17, 1910.

Senator CURTIS. That is two years ago. That is not this Congress.

Senator OWEN. I meant to say 1911.

Senator CURTIS. If it has been passed, that is all right.

Senator OWEN. It passed the Senate, and the difficulty is that the House is so gorged it is difficult to get the matter through, and unless the extension is made now it does not do them any good.

The ACTING CHAIRMAN. It seems to me that is one of those things that we should put on the bill.

Senator OWEN. I hope there will be no difficulty about having this item go on. It simply asks to extend the time one year. These people have had a terrific drought.

Senator CURTIS. Yes; I know that. There is no question but what this bill ought to pass.

Senator OWEN. It has been passed.

Senator CURTIS. But I do object to putting these things on this bill. You are going to get back to where we were 10 years ago, and going to make a saddle horse of the Indian appropriation bill.

The ACTING CHAIRMAN. What are we going to do about it. Here is a case where these Indians ought to have this extension.

Senator OWEN. Let us put it on anyway, and if anybody makes a point of order on it let it go out.

The amendment was agreed to.

Senator CURTIS. I voted no because I think I will make a point of order about it.

Senator OWEN. If you knew the suffering down there you would not make a point of order about it.

Senator CURTIS. I saw the poor fellows coming up in my State last year.

Commissioner VALENTINE. At the end of line 5, page 36, we ask in the estimate for this proviso:

*Provided, That the Secretary of the Interior is hereby authorized to sell any surplus lands set aside or reserved at this or any other Indian school for school purposes and no longer needed for that purpose, or lease any school lands for farming, mineral, or other purposes, in the discretion of the Secretary of the Interior, under such terms, conditions, and regulations as he may prescribe, and invest the proceeds in Indian school buildings or repairs of Indian school buildings or plants, or for the maintenance of said schools as the needs of the service may require: Provided further, That in the discretion*

of the Secretary of the Interior the surface of said lands may be sold separate and apart from any minerals that may be found thereunder: *Provided further*, That the Secretary of the Interior shall report to the Congress at its next session any action hereunder (proviso submitted) (act Mar. 3, 1911, vol. 36, p. 1069, sec. 16), \$93,000.

Then there is a note, which says:

This legislation is needed for the Chilocco, Red Moon, and Vermilion Lake Schools.

The ACTING CHAIRMAN. Well, I do not think that is a matter that is pressing for time like this extension of payments. Effort ought to be made to get that kind of legislation through. However, I will put the question.

Senator OWEN. I do not exactly understand that. What is the proposal?

Senator CHAMBERLAIN. I do not approve of that kind of legislation, authorizing the Secretary of the Interior to sell the land and make a sort of revolving fund that he is hardly accountable for to anybody.

Senator OWEN. I do not think that ought to go on this bill.

The ACTING CHAIRMAN. I think the Chair will treat it as defeated, unless someone calls for a vote.

The amendment was not agreed to.

The ACTING CHAIRMAN. Now we will go to page 37, commencing on line 18—

Senator OWEN. On line 5 I suggest that the word "agency" be struck out and the word "superintendency" inserted. That is the proper term, is it not, Mr. Commissioner?

Commissioner VALENTINE. Yes, that is correct.

The amendment was agreed to.

Senator CURTIS. Is not the same true on line 15, Mr. Commissioner?

Commissioner VALENTINE. Yes. Of course there is a little technical difficulty there—that these things are still called agencies, but they are in charge of a superintendent.

Senator CURTIS. Then if it makes any difference in your vouchers or anything of that kind you had better leave it the way it is.

Senator OWEN. You have not any agency at Shawnee, have you?

Commissioner VALENTINE. There are no agents in the service any longer, but they are called agencies in charge of a superintendent, and we call them in our office "superintendencies," but they still remain in the old laws and treaties as "agencies."

The ACTING CHAIRMAN. Would it embarrass you in your accounts to change the name?

Commissioner VALENTINE. I do not think it would. I would suggest that we try it by substituting "superintendency" for "agency" for the Shawnees, and if we get along without any difficulty we will let you know, and we will substitute it next year on all the other agencies. I much prefer to use "superintendency."

The amendment was agreed to.

The ACTING CHAIRMAN. Lines 18 to 25, inclusive, on page 37, have been stricken out. Unless objection is made they will remain that way.

The amendment was agreed to.

The ACTING CHAIRMAN. We now come to page 38:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$174,000.

The amendment was agreed to.

The ACTING CHAIRMAN (reading):

For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, \$100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for the equalization of allotments, per capita or other payments authorized by law to individual members of the respective tribes, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Five Civilized Tribes, and attorneys of said tribes employed under contract approved by the President, without specific appropriation by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance for such time as he may consider necessary, not exceeding 10 years.

Commissioner VALENTINE. We had a suggestion to offer after the words "except for." After those words insert "schools and."

Senator CHAMBERLAIN. "Except for schools for the ensuing year."

The ACTING CHAIRMAN. Is not that covered further down?

Commissioner VALENTINE. We are proposing to strike out lines 19 to 23.

Line 11 would then read: "Except for schools for the ensuing year and for"; then it goes on.

Senator CHAMBERLAIN. Why not put "ensuing year" on there?

Senator OWEN. Because these schools ought to be brought to a termination as these tribal affairs are wound up.

The ACTING CHAIRMAN. Is that not covered down here by this language:

*Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance for such time as he may consider necessary, not exceeding 10 years.

Senator CURTIS. That only applies to two tribes, and there are three others.

Senator OWEN. Lines 19 to 23 ought to go out.

Commissioner VALENTINE. We were going to suggest that lines 19 to 23 be stricken out.

The ACTING CHAIRMAN. We will have to go now.

Senator OWEN. I move that that be stricken out.

Senator CURTIS. Just let it wait until we get back.

The ACTING CHAIRMAN. We will now take a recess until 1 o'clock.

Thereupon, at 12 o'clock m., the committee took a recess until 1 o'clock p. m.

AFTER RECESS.

The committee reassembled at the conclusion of the recess.

The ACTING CHAIRMAN. We had reached, at the time we took our recess, page 32 of the bill. On line 14 the following paragraph has been inserted:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their far-distant nonreservation allotments, \$100,000.

Is there any objection to that?

Senator OWEN. I think I shall object to that amendment.

Senator McCUMBER. I trust that that amendment will be agreed to.

I have here the material that would amount to a volume of matter which I might present to the committee in support of this appro-

priation. I have a brief statement of the facts of the case forwarded from the Indian agent and also a petition or memorial formulated and executed by the business men's association of the tribe.

In the year 1892 I was appointed chairman of a commission to investigate the title of the Turtle Mountain Band of Indians to about 10,000,000 acres of land in the Red River Valley and adjacent thereto, and if the title was found to be in the Indian tribe to effect a settlement with them for a relinquishment of their title.

The commission made a very thorough investigation of the title and found beyond question that this band of Turtle Mountain Indians, who from time immemorial had their headquarters in the Turtle Mountain country, had never ceded to the Government the tract of land over which they claimed the usual Indian title. This land is among the most valuable lands in the whole State of North Dakota. All but two townships of it had been settled upon by white settlers prior to the agreement which we made in 1892. The land was worth then about \$20 per acre. We made the best treaty with those Indians for the Government that has ever been recorded in our treaty-making history with the Indian tribes. We secured that land for about \$10 per acre.

There is no question about their title, and if there had been a possibility of securing an act of Congress granting them more than that million, probably the commissioners would have allowed that, but they thought it best to get what they could, inasmuch as the question of title was raised. It was specially raised by the Senator from Colorado, who had previously been the Secretary of the Interior and who had held, contrary to the report of the Indian Commissioner, that they had no title; that it was intended to have been ceded at the time the Pembina Band ceded their title. As a matter of fact it was not ceded in that treaty; it was specially reserved for them.

As I have said, in 1892 a commission was appointed to investigate that subject and secure a treaty, and I was chairman of that commission. After working all fall with them we finally got them to agree to sell their land at 10 cents per acre; that is, their interest in this land, on this condition—perhaps I had better explain another matter before that.

By executive order, two townships were set aside for this entire tribe of Indians and all of their lands thrown open to settlement and settled upon by the white settlers. The mountain country consists of what we call knolls and lakes—about as much water as there is land. The knolls for the most part are stony and covered with scrub timber. There was not, of the two townships, more probably than one-third or one-half of one township that was capable of cultivation. That is the condition in which we found them. All around their country, however, at that time, and close to their reservation was any amount of Government land. So they made this treaty with the understanding that it would be then ratified while the public land was there, and under the provisions of the treaty they were allowed to take their allotment on unappropriated Government land that surrounded their ancient homes.

This, I say, was in 1892. I was not in the Senate at that time, but Senator Hansbrough immediately introduced a bill to ratify the agreement. That bill was in abeyance before the Indian Committee for a number of years before I came here. I then took it up personally,

and I think it was a couple of years after I came here before I succeeded in getting it ratified. At the time it was ratified every acre of that land was taken, 12 years having elapsed, after the treaty was signed and before it was ratified by Congress. Then we had nearly 3,000 Indians crowded into a section of what would not amount to more than one-third of one township that was really land that could be cultivated. All of the land surrounding them was gone, all of the land except in the semiarid region was practically gone. They sent those Indians out then to hunt up other homesteads or allotments in other sections of the country. They necessarily had to go into the dry country. They were without anything for their support. The moneys paid them from year to year until this one million was exhausted was annually distributed to them and was used by them for the most part for the necessities of life. They then went out into the western country, many of them taking homesteads. I might say that there were less than 300 quarter sections taken for this entire tribe out of the Turtle Mountain Reservation, and those 300 allotments would probably be of land not more than a quarter of which (as I know the country) would be susceptible of cultivation. So when they got out to their new homes they had no machinery. They had nothing to settle upon that land. There have been failures of crops all over this western country for the last two years, and in some sections for three or four years, but as I understand the situation they do not even have the means of opening up their land.

Now this treaty never would have been made for them except with the expectation that it would be immediately ratified by Congress, and they could get better land than they had in their townships for other allotments close by, and if Congress had performed its duty and allowed them the land in 1892, at the time the treaty was made they would have had those farms entirely under cultivation by this time, and at least would have had land that to-day would be worth from \$25 to \$30 per acre.

Now, these people need assistance. The Government has got to take care of them. The Government is responsible for their impoverished condition to-day, and they are asking \$100,000 in order to open up these new lands that are not worth one-fourth of what the land would have been worth which they could have taken if the treaty had been adopted at the time it should have been adopted.

I have a long letter here from the superintendent, setting forth all the facts, but of course setting them forth more at length. I have here a petition or memorial to the Senate from the business council of the Turtle Mountain Band of Chippewa Indians, in which they call attention to all these facts and to their destitute condition.

The Government being at fault, it seems to me that it is our duty as the guardian of these Indians to assist them in opening up the new land that we have compelled them to take by reason of our neglect.

That, in a nutshell, is the condition.

Senator OWEN. That sounds like a very piteous plea. I think I will withdraw my objection.

Senator McCUMBER. I do not know what information the commissioner has, but I presume he is informed of these facts and is in a position to say whether my statement is accurate or not.

The amendment was agreed to.

**STATEMENT OF MARTIN J. BENTLEY, OF OKLAHOMA.**

Mr. BENTLEY. Nearly all of the Indian reservations have been allotted and in Oklahoma most of the allotments have been leased. It is a compulsory system; if the Indian leases his allotment at all he must lease it through the Indian agent and receive cash rent, notwithstanding that it is the avowed policy of the Indian Department to teach the Indian how to farm and to encourage him in farming. The number of farmers asked for and paid from public funds has increased as the number of Indian farmers have decreased.

Not satisfied with the numbers provided for in the Indian bill they have diverted funds appropriated for other purposes at nearly every agency and with these funds have hired additional farmers. The larger number of farmers employed, the less number of Indians do any farming.

The Shawnee Agency as designated in the pending bill in Oklahoma is a fair example of the general situation. All the land over which that superintendency has jurisdiction is allotted. Practically all of it, with the Indian owners loafing and fast becoming criminals, is leased. Should you ask one of the Indians why he does not farm he will tell you because his land is all leased, and yet there are three or four farmers employed for the purpose of teaching the Indians how to farm.

These farmers have no farming to do, so those who are competent are employed in the agency as clerks in leasing the Indian's land, while without clerical ability, and are loafing or mowing the agent's lawn.

Instead of the Indians being permitted to either farm their own land or lease it and in one of the ways get a little experience in the world, the whole matter is taken out of their hands. The land is leased for them by the agency and those forwarded to the department for approval; as a result an army of clerks is required at both ends, and instead of the Indian Office and the field force being cut down they have been doubled and increased until the startling fact is disclosed that there are now employed and paid out of public funds 6,600 persons in the Indian Service.

The result of this increasing expense is a rapidly increasing dependancy on the part of the Indian. This lack of self-dependancy will result in a hoard of paupers when the time comes for the removal of restrictions upon the sale of their land.

A sample of the result of this policy of the department to take under its control everything carrying the Indian brand is to be found in the Five Civilized Tribes, formerly Indian Territory now included in Oklahoma. In the Osage Nation for years—in fact always until recently these Indians have managed their own affairs to the extent of leasing their lands and collecting their rents—under Commissioner Jones they were permitted the widest latitude with marked results for good. They were prosperous and fairly independent, as independent as the average white man. Under the subsequent administration, the policy was reversed and ever since they and all the Indians in Oklahoma have been deprived of the privilege of leasing their own lands and have been required to submit in all things to departmental paternalism.

The local agent makes the lease, the department here approves it, and the local agent collects the rents; this is deposited in a bank and from it the Indian is paid \$10 or some stipulated amount per month. This practice has taken away from the Indian the last vestige of self-dependence and they are rapidly becoming fit subjects for the pauper condition in which the survivors will be found in a few years from now. This is being accomplished not only at the cost but the utter destruction of the moral sentiment necessary to the success of all classes of human beings and also at a great cost to the Government. Under the old system, the Osage Agency had 2 clerks, to-day it has 30 or 40. Under the old system Indian Territory was handled by an agent with two or three clerks; to-day it is impossible to state the number employed in this business in the Five Civilized Tribes; but it is shown that 250 are employed under one roof and that the expenditures for salary alone was approximately \$1,000,000,000 for the fiscal year 1910.

Inquiry will show that similar unbusinesslike and destructive methods are followed in all parts and branches of the Indian Service. The diversion of funds is the favorite method of increasing the pay roll, and no Indian is permitted to follow such a policy as will take him from the department's jurisdiction.

To-day he is a dependent, incapable even of the leasing and management or in any way of the control of his allotment; but under existing law he will to-morrow become a landed proprietor, with full title and control of an estate which yesterday he was incompetent even to manage. And so it is throughout the entire service. The Indian is being forced, and by law and at great public expense, into a condition of hopeless dependency. His supervisors annually increase in number and he in wealth and in thrift decreases correspondingly.

It is a fair exhibit to note the schedule as recorded in the hearings before the House Committee on the pending bill. The Commissioner of Indian Affairs, as shown on page 406, in presenting his schedule to the committee for their information and as a basis for proper appropriation for the support and supervision of the Indians under the various jurisdictions, will be found the following schedule:

Iowa.....	80	
Sac and Fox of the Mississippi.....	541	
		621
Absentee Shawnees.....	445	
Citizen Pottawatomies.....	1,655	
Mexican Kickapoos.....	243	
		2,343
		2,964

The Federal census for 1910 shows 1,190 Indians in the territory covered by the jurisdiction, including the three last-named tribes. Thus it will be observed that Congress is annually legislating and appropriating for twice as many Indians as there actually are in existence.

Within the two jurisdictions above the census shows 260 families, with the following live stock:

Sheep.....	19
Hogs (old and young).....	1,036
Mules (all ages).....	132
Horses (all ages).....	576
Cattle (all ages).....	518
	2,381

The ACTING CHAIRMAN. We will now return to page 38.

Senator OWEN. On line 11, page 38, after the word "except," I desire to insert "schools for ensuing year and."

The ACTING CHAIRMAN. There is a provision beginning on line 19 which it seems to me covers that.

Senator OWEN. I move that that provision be struck out, and leave the others as suggested by the commissioner.

Senator CURTIS. Do you not think we ought to leave in those lines, and find out what those chiefs want in that matter? They said that they wanted to use that fund for school purposes.

Senator OWEN. He has control of all of the funds.

Senator CURTIS. That will be an expression that we are willing that they should use the royalties for that purpose.

Senator OWEN. They have been using them under that general authority.

The ACTING CHAIRMAN. They claim there is some question about it.

Commissioner VALENTINE. I do not so understand it.

Senator OWEN. They have been using it right along for that purpose.

Commissioner VALENTINE. Our objection was that we thought those four lines were not limited to the Choctaw and Chickasaw Nations.

Senator CURTIS. I think you ought to put schools in above.

Senator OWEN. "For schools for ensuing year and."

Senator CURTIS. They were very insistent to me when that other bill was up, to get in an amendment authorizing the coal and asphalt royalties to be used for school purposes, and I promised them I would offer the amendment whenever any bill was up. I did not offer this amendment, and I do not know who did, but it strikes me it is what those Indians want, and we can put it into conference, if it is not satisfactory.

Senator OWEN. It is very unsatisfactory to me to put in "not exceeding 10 years."

The ACTING CHAIRMAN. Then we will strike that out. It does not amount to anything anyway. It is within the discretion of the department. The suggestion is to strike out the words "not exceeding 10 years," and leave it to such time as he may consider it necessary.

Senator OWEN. I do not want it for such time as he may deem necessary, because that would be equivalent to 30 years.

The ACTING CHAIRMAN. We can terminate it at any time.

Senator OWEN. If you just strike those words out it leaves it to the control of the committee. Otherwise you would have to have an act repealing it.

The ACTING CHAIRMAN. And to use funds arising from royalties on coal and asphalt for their maintenance. I think that would be all right.

Senator OWEN. What I want to do is simply to confine it to the fiscal year, so that the committee will control it hereafter and exercise its own discretion about it. If you just put in "to continue the tribal schools for the ensuing year," it would be all right. Just insert "for the ensuing year."

The ACTING CHAIRMAN. Then it would have to be reenacted every year.

Senator OWEN. That is what I want—to have it reenacted. I do not feel willing to do that. I do not want to commit the Government

to that policy and then have to pass an act to repeal this matter hereafter. In effect that is a continuance without limit of that tribal school system down there.

Senator CURTIS. If we want to use their royalties, you do not object to that—if we want to set aside their royalties.

Senator OWEN. I do object unless they have a vote of the tribe upon it. If you will agree that the tribes shall determine it, I will be willing to do it. I have no personal interest in it except I want to see these people have what the Government of the United States promised them. We promised them a distribution of their land and money.

Senator CURTIS. That is true, but they have always insisted—

Senator OWEN. When you say "they" you are talking about some of these officials up here. You are not talking about those people.

Senator CURTIS. I know that whenever the matter has come up they have voted on it that their royalties shall be for the maintenance of their schools.

The ACTING CHAIRMAN. Why not strike out the words, "for their maintenance," on line 22?

Senator OWEN. That would imply a continuation of tribal schools without any limitation of time. It would indicate that there was no limit.

The ACTING CHAIRMAN. But we could terminate it at any time in the very next bill if we wanted to.

Commissioner VALENTINE. The fact that you have the ensuing year up above there should be considered, Senator.

Senator OWEN. Why not strike out the words "to continue the tribal schools of the Choctaw and Chickasaw Nations" and say "funds arising for their maintenance"?

The ACTING CHAIRMAN. There is no direct authorization to continue.

Senator OWEN. That is exactly what I do not want to agree to. Let me read that this way:

That the Secretary of the Interior is hereby authorized to use funds arising from coal and asphalt for the maintenance of the Choctaw and Chickasaw schools.

The ACTING CHAIRMAN. Why do you not just leave it, "The Secretary of the Interior is hereby authorized to continue the schools of the Choctaw and Chickasaw Nations for one year, and to use funds arising from royalties," etc.

Senator OWEN. That would be all right.

The ACTING CHAIRMAN. Very well.

Senator OWEN. Strike out "for such time as he may consider necessary, not exceeding 10 years."

The amendment was agreed to.

The ACTING CHAIRMAN. The next is on line 24, page 38:

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March 3, 1911, not exceeding \$25,000, reimbursable from proceeds of sale.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on line 7, page 39:

For expenses incident to and in connection with collection of tribal revenue, including rent of unallotted lands, such amount as may be necessary: *Provided, however,* That such expenditure shall not exceed in the aggregate 20 per cent of the amount collected.

Senator OWEN. Just there I want to call attention to an item which I had from Mr. Wright, asking that provision be made for the traveling expenses of the appraisers appointed to appraise the surface of the segregated coal and asphalt lands. I think his request is reasonable. He wants a provision of \$5,000 to provide for the payment of the railroad traveling expenses. We do not otherwise provide for it. We provided for \$15 a day, which is intended to cover everything; but he called attention to the fact that they would have to do a great deal of traveling and the expenses of traveling would be considerable, and suggests that the committee might be willing to provide \$5,000 to cover the cost of traveling expenses. I would like to have the sense of the committee with regard to that.

The ACTING CHAIRMAN. It will be considered as a motion pending, to add \$5,000 to the traveling expenses.

Senator OWEN. For these appraisers. What do you think about that, Senator Curtis?

Senator CURTIS. I do not think that applies to this. The item you refer to he wants put in with reference to the appraisers of the coal on the segregated land.

Senator OWEN. I know, but most of these rents are being collected from this land. They have farms scattered over this land and they are collecting rents from them. We discussed before the 20 per cent allowed for collection of these rents—

Senator CURTIS. My understanding is that there was quite a fight when that bill was up about the amount that was to be paid, and I suggested \$10 a day, and I still think that is all they should have had, but after considerable discussion in the subcommittee, of which I think yourself and Senator La Follette were members, we agreed to \$15 a day.

Senator OWEN. We put a limit as to the number of days, or at least the amount, making it \$2,000 maximum. I believe that was the provision.

Senator CURTIS. You do not say \$5 a day, but \$5,000 in all.

Senator OWEN. Yes; to meet actual cost of traveling expenses.

Senator CURTIS. Well, I do not care. Make it so much thereof as may be necessary.

Senator OWEN. Of course. I would like to call the attention of the committee to this matter. We failed to make any provision for actual improvements put upon these segregated lands by people who went on there and paid rent, and they represent that in many cases they were unable to handle the land without putting additional improvements on it. They were compelled to do it in order to give protection to their horses and their families, and they ask, in making this appraisal, these improvements which they actually put on might be appraised, so that the parties who buy them would pay not only for the land, but for the additional improvements put on by these settlers.

The ACTING CHAIRMAN. Did we not recommend a bill to that effect?

Senator OWEN. Yes; we reported a bill, but it seems impossible to get it through the House in time because this appraisal will be finished by July, and I hope the committee will agree to allow me to put in an item to protect these people. I know it is subject to a point of order, at least I think it is, but it is a very important matter to those poor settlers there.

The ACTING CHAIRMAN. We will insert it, and it will have to take its chances.

Senator CURTIS. I think I will reserve the point of order on it.

Senator OWEN. The wording, just as the bill was reported to the Senate is all right, and \$5,000 for traveling expenses for the appraisers of the coal and asphalt lands.

The ACTING CHAIRMAN. On line 12, page 39, the following provision is suggested:

That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to accept payment to the full amount of the purchase money due, including interest to date of payment, on any town lots originally sold as provided in agreements with any of the Five Civilized Tribes and declared forfeited by reason of nonpayment of amount due and not resold.

Without objection, the amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on page 41, line 7:

For the construction of a sanitary sewer system in Platt National Park, Okla., to be immediately available and expended under the direction of the Secretary of the Interior, \$35,000.

Senator CURTIS. Why was that put in? There was no estimate for it.

Senator OWEN. Yes; there was an estimate for it.

Commissioner VALENTINE. It would not come under the Indian estimates.

Senator CURTIS. Where would it come?

Senator OWEN. It would come in in the estimates for the sundry civil bill.

Senator CURTIS. Why do you put it in here?

Senator OWEN. Because this was acquired from the Choctaws and Chickasaws, and because of the necessity for it.

Senator CURTIS. But you are not paying it out of the Indian fund, but the Government fund.

Senator OWEN. That is so. Mr. Commissioner, you say it was estimated for?

Commissioner VALENTINE. I do not know. It is a departmental matter.

Senator OWEN. You will find that it is estimated for in reality.

Senator CURTIS. While I think it ought to go on the other bill, if it is estimated for, I have no objection to it.

Senator OWEN. I will get the estimate for you.

The amendment was agreed to.

The ACTING CHAIRMAN. The next amendment is on line 11, page 41, as follows:

The Secretary of the Treasury is hereby authorized and directed to pay to the heirs or legal representatives of John W. Noble and R. V. Belt the sum of \$3,569.95 for legal services rendered to and expenses incurred on behalf of members of the Lyman family, Osage allottees, under contract made pursuant to section 2103 and following sections of the Revised Statutes of the United States, and, duly approved by the Commissioner of Indian Affairs and the Secretary of the Interior, said sum to be paid as provided for in the contract out of individual funds in the Treasury of the United States to the credit of the members of said Lyman family.

Senator CURTIS. That is nothing but a claim, Mr. Chairman, and I do not think it ought to go into this bill. We have hundreds of claims just as good and just as valid pending before the committee.

Commissioner VALENTINE. It was reported favorably. We do not ask for these things on the Indian appropriation bill.

Senator McCUMBER. If we ought to pass it, why ought we not to pass it in the only way we probably can have it passed?

Senator OWEN. R. V. Belt was formerly Assistant Commissioner of Indian Affairs here. He is dead and his widow is in a distressed condition, and for that reason I thought it was well to put it on this bill, because it was favored by the Department of the Interior.

The ACTING CHAIRMAN. It is payable out of the Indian fund?

Senator OWEN. Yes; it does not come out of the fund of the United States.

Senator McCUMBER. It should properly go to the Committee on Claims.

Senator OWEN. The Committee on Claims does not handle Indian funds, and it therefore could not be dealt with in that way.

The ACTING CHAIRMAN. A motion will be considered and pending to adopt it.

The question being put the amendment was agreed to, Senator Curtis voting in the negative.

Senator CURTIS. I will give notice that I will make the point of order on this amendment.

The ACTING CHAIRMAN. The next amendment is in line 24, page 41, as follows:

The fund of \$390,257.92 placed to the credit of the Choctaw Indians by act of March 1, 1907 (34 Stat. L., p. 1027), shall draw interest at 5 per cent per annum, and the accrued interest at this rate shall be placed to the credit of the Choctaw Nation.

Senator CURTIS. What is the necessity for that legislation? Does it not already draw interest?

Commissioner VALENTINE. They left out the interest.

Senator OWEN. They put in interest at 3 per cent instead of putting 5 per cent.

Without objection the amendment was agreed to.

The ACTING CHAIRMAN. Here is an amendment proposed for Oklahoma:

For incidental and necessary expenses of any suit heretofore brought at the request of the Secretary of the Interior and now pending on behalf of any of the Five Civilized Tribes, the sum of \$10,000 is hereby appropriated to be expended under the direction of the Secretary of the Interior, reimbursable from funds belonging to the tribe in whose interest such suit was brought, or now pending.

You first objected to that, Senator Owen, but it is changed to suits heretofore brought and now pending.

Senator OWEN. I have no objection to it on that basis.

The question being put on the amendment it was agreed to, Senator Curtis voting in the negative.

Senator OWEN. Mr. Chairman, I want to bring up the case of the payment of the Creeks, which I offered as an amendment to this bill to carry into effect the agreement between the United States and the Creek Nation of Indians and ratified in 1901, as follows:

That to carry into effect the agreement between the United States and the Musko-gee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., 861), and the subsequent agreement of June 30, 1902 (32 Stats., 500), and laws providing for a minimum allotment to each Creek citizen whose name has been placed on the rolls by the Government of the United States under the authority of said agreements and laws, of the standard value of \$1,040, the Secretary of the Interior be, and is hereby, directed to pay, out of the funds of the said nation now in the Treasury or that may hereafter come into the Treasury to their credit, to each of said Creek citizens placed on the rolls under said agreement and subsequent agreements, a sum

sufficient to bring the allotment of land and money to each up to \$800 as a part payment on the standard allotment of \$1,040; and that jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment in the matter of the claim of all citizens of said nation who have received allotments of less than the standard value of \$1,040, and to render judgment for a sum of money sufficient to equalize the allotments of each citizen who shall be found to be so entitled up to the standard amount of \$1,040; and that the action herein authorized shall be brought in the name of the Muskogee (Creek) Nation against the United States by petition to be filed within six months after the passage of this act, which petition shall be verified by the national attorney of said nation or by the attorney or attorneys employed by said nation to conduct said suit, whose employment is approved by the Department of the Interior in accordance with section 2103 of the Revised Statutes, and the Attorney General shall appear and defend said action; and in rendering judgment in said cause the court shall fix the compensation to be paid to the attorneys upon a quantum meruit for all services rendered in behalf of said Indians in the matter of the claim of all of said citizens for the equalization of their allotments, including services rendered before the departments of the Government, the committees of Congress, and the courts, in and for their interest in this matter in any way rendered, said compensation to be based on a per centum of the amount of said judgment, less any money in the Treasury to the credit of the Creek Nation, not to exceed 10 per cent, and the Secretary of the Treasury shall pay said sum out of the amount of said judgment or out of any funds of the said nation in the Treasury, and all the remaining funds of said nation not appropriated by the council and approved by the President of the United States (except the sum of \$50,000) shall be utilized and applied in any judgment that may be rendered under this act; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed.

They have about \$2,000,000 in the Treasury which has not been distributed. We passed an act here several years ago providing that if they would take the amount of \$800 and be satisfied with it, we would allow them to have the distribution of their own money, and they met in council and declined to accept that. The money was left in the Treasury. That was two years or more ago. They want to have the right to take these certificates of allotment which they had and to go to the Court of Claims and determine whether they should be paid by the United States this amount.

The question being put on the amendment, it was agreed to, Senator Curtis voting in the negative.

Senator CURTIS. I give notice that I will make the point of order on that amendment.

Senator OWEN. I am afraid the point of order will defeat it, but I will have done my duty by my unhappy client.

The ACTING CHAIRMAN. Senator Borah has submitted this amendment:

The Secretary of the Interior is hereby authorized to approve the findings of the district court of the State of Oklahoma for Kay County in the matter of the determination of the heirs of Buck Bill, a deceased Tonkawa Indian, and of the partition of his estate among such heirs, and to issue patents to the heirs for their respective portions of said estate.

Commissioner VALENTINE. I will state that there has been a bill which has passed the House which cures these defects, in my judgment. If the Senate will concur in that bill which has passed the House it will cover the matter.

The ACTING CHAIRMAN. We will not insert it here if it is in a bill that has passed the House.

The next amendment is on page 42, line 16, as follows:

To enable the Secretary of the Interior to construct a bridge and the necessary approaches thereto across the Deschutes River abutting on the Warm Springs Indian Reservation in the State of Oregon at a point to be selected by him, the sum of \$15,000.

Senator CHAMBERLAIN. Mr. Chairman, I would like to amend that, and I do not think the commissioner will have any objection to the amendment. There has been some controversy among the citizens in the neighborhood, and I desire to amend that provision by striking out in line 19 the words "selected by" and inserting the words "agreed upon between," and after the word "him," in line 20, to insert the words "and the county court of Crook County." That will adjust these local differences.

The amendment was agreed to.

Senator OWEN. Mr. Chairman, referring to the matter we have just been discussing with regard to Oklahoma, why not report the House bill referred to now?

The ACTING CHAIRMAN (after having read the bill H. R. 1332). That gives them authority to cancel a will after it has been made.

Senator CURTIS. No will is valid now at all. It simply gives additional power to make a will; that is all.

The ACTING CHAIRMAN. That is true; that is within the authority, of course, but after a will has been made the mere fact that the Secretary discovers fraud thereafter—

Senator CURTIS. The courts would set it aside.

The ACTING CHAIRMAN. The court would of course.

Without objection the Senator from Oklahoma [Mr. Owen] was authorized to report favorably House bill 1332 without amendment.

The ACTING CHAIRMAN. The next amendment is on page 43, line 25, referring to the Tillamook Tribe of Indians.

Senator CHAMBERLAIN. I can state generally that that is for the relief of some Indian tribes in Oregon. Bills have been heretofore reported favorably to the Senate by this committee upon that subject.

Senator CURTIS. On account of the fact that it is a claim, I reserve the right to make the point of order although I think probably with a fair statement of the case I might be justified in withdrawing the point. I think, however, the Senator from Oregon ought to explain it rather thoroughly. While it is not intended to carry out a treaty agreement, it really is, because the treaties were made and they took the land and the Government never ratified it. I will say, because I am opposed to the claim, that I will make a point of order, and you can then explain the matter.

Commissioner VALENTINE. I would like to say that I think this point could be made in favor of that particular proposition that it is hardly a claim. It is so absolutely meritorious that it is not in the nature of anything about which there is any doubt. It is more than a claim. It is a request for absolute justice.

The ACTING CHAIRMAN. That will be the status of all of those amendments down to and including line 14 on page 46.

We now come to Pennsylvania. Page 46, line 22, the amendment is to strike out the word "forty-eight" and insert the word "fifty-nine."

Commissioner VALENTINE. I can furnish you with a strong letter on that proposition.

Senator CURTIS. That is all right, if you can give a letter with regard to it.

The amendment was agreed to.

The ACTING CHAIRMAN. Under "South Dakota," on page 47, line 2, it is proposed to amend by inserting the words:

For the construction and equipment of a gymnasium building, \$8,000.

Then, "For general repairs and improvements, \$5,000," and the total is changed from \$66,000 to \$74,000.

The amendment was agreed to.

The ACTING CHAIRMAN. On page 28, line 24—that is, the original print of the bill, the House print—after the word "dollars," insert the words "for a new school building, \$35,000; for remodeling boys' building, \$5,000." That is the Rapid City School.

Senator CURTIS. Have you a statement with regard to that, Mr. Commissioner?

Commissioner VALENTINE. We can give you a statement on that in this way, that we are very anxious to see the Rapid City School made as good a school as possible.

The amendment was agreed to.

The ACTING CHAIRMAN. Now, with regard to the Yankton Agency School, page 49 of this printed bill, lines 5 and 6, after the word "dollars," insert the words "for general repairs and improvements of agency building, \$10,000."

Senator CURTIS. Is not that one of the class of buildings that improve out of your general fund?

Commissioner VALENTINE. What agency is that?

The ACTING CHAIRMAN. The Yankton Agency.

Commissioner VALENTINE. That could be, if we could get the raise in the general fund that we asked for.

Senator CURTIS. The committee gave you all you asked for.

Commissioner VALENTINE. No, sir.

Senator CURTIS. This committee this morning gave you more.

Commissioner VALENTINE. We did not take that item up this morning. In my statement before the subcommittee, asking for \$650,000, you will find the item on page 6 of the bill, lines 5 to 8. The House gave us \$425,000, and I was under the impression that the subcommittee had given us the extra amount that we asked for, making the total \$650,000; but when the bill was printed I saw it in this way. If that can go in, we would not need the specific item. I explained quite at length, if you remember, to the subcommittee, the basis of this.

Senator CURTIS. I thought the subcommittee had put in an estimate.

The ACTING CHAIRMAN. This will have to go in.

Commissioner VALENTINE. Could not the committee consider increasing that item on page 6, lines 5 to 8. The total should be increased to \$650,000?

Senator CHAMBERLAIN. I think it is economy to keep up these improvements.

The ACTING CHAIRMAN. The amendment is on page 6, line 8, change the word "four" to "six," and the word "twenty-five" to "fifty," so that it will read \$650,000.

The amendment was agreed to.

Senator CURTIS. Mr. Commissioner, I was under the impression that you said if we would put in these little repair items all the way through, as you estimated for them—

Commissioner VALENTINE. Only for the specifically estimated for schools.

Senator CURTIS. Then you would not ask for an increase, but if we did not put in the specific you would want the increase. I misunderstood you, did I?

Commissioner VALENTINE. Yes, sir; because it is absolutely prohibited by law for us to use this fund for these specifically appropriated for schools.

The ACTING CHAIRMAN. On page 50, line 22, under the heading "Virginia," there is this proposed amendment:

For support and education of 120 Indian pupils at the school at Hampton, Va., \$20,040.

Senator CURTIS. That has been estimated for, and it has been ever since I have been in Congress.

Senator OWEN. It was cut out this time because of the intermingling of the negroes and Indians there. The opposition was made to it in the House by Mr. Carter, I think, on that account.

The ACTING CHAIRMAN. I think it is clearly our duty to put it back.

Senator CURTIS. They prefer to go to this school, do they not, Mr. Commissioner? Do not most of them ask to go there?

Commissioner VALENTINE. It is very largely voluntary, and it is done on request. Some of the most efficient Indians in the Indian service are graduates of Hampton.

Senator OWEN. I think the Hampton School is a very good school, but the intermingling of the negro race with the Indians I do not agree to.

Commissioner VALENTINE. They do not intermingle. They have separate quarters. The whole institution is carried on as a strictly Indian proposition. They do not intermingle at the table or in their dormitories or in the work.

Senator OWEN. Then I shall not object to it.

The amendment was agreed to.

Commissioner VALENTINE. If I refer back to Utah, I feel I ought to call the attention of the committee, and I do it with reluctance, to the special estimate on behalf of the Ute Indians. The Court of Claims recently rendered a judgment in the sum of \$3,305,257.14 against the Government.

Senator CURTIS. That is not payable by this bill.

Commissioner VALENTINE. I thought I should call it to the attention of the committee.

Senator CURTIS. That is a matter that relates to the sundry civil bill. They take care of those matters as a matter of course under the sundry civil bill.

Senator CHAMBERLAIN. Why do you call attention to it, Mr. Commissioner?

Commissioner VALENTINE. The claims have been passed on by the Court of Claims and the Indians need the money very badly for industrial purposes. The Uintah Reservation has an irrigation system of over 90,000 acres which has cost over three-quarters of a million dollars, and the Indians will have to make beneficial use of the water before 1919. So that if this fund is appropriated, we have a pretty short time as it is.

Senator CURTIS. All of the appropriations for these claims have heretofore been made in the sundry civil bill, and they have always made them as a matter of course. I would suggest, in addition to the fact that they be certified, that you prepare a letter and send it through the Secretary, addressed to the Senate and House both, for the sundry civil bill, suggesting the importance of early action upon that appropriation.

The ACTING CHAIRMAN. It would be an unusual thing to put it on this bill.

Senator CURTIS. I have never known the Committee on Appropriations to even question it when it came certified.

The ACTING CHAIRMAN. Recurring now to Washington, page 52:

For support and education of 300 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, \$50,000, said appropriation being made to supplement the Puyallup-school funds used for said school.

Senator CURTIS. That was estimated for.

The ACTING CHAIRMAN. And the changes on page 51 were estimated for.

Commissioner VALENTINE. Mr. Chairman, before leaving Washington, you will recall that Senator Jones was here yesterday morning. He has had up with the department the question of irrigation on the Yakima Reservation in the State of Washington. The Indians years ago were granted 147 second-feet, which is about enough to irrigate 11,000 acres. The Indians need a great deal more than that and claim 1,500 second-feet in the waters of the Yakima River. The waters in the river do not now furnish that, owing to the diversion for other projects on what might be called the white side of the river; and if necessary to supply additional water both for the reservation and the other lands some such basis, possibly as storage, should be made, provided the Indians' claim is not carried into the courts and sustained there, as we believe it would be if so carried.

We have the draft of a bill which, in the absence of Senator Jones, I would like to call the attention of the committee to.

The ACTING CHAIRMAN. Does that cover all these items?

Commissioner VALENTINE. Yes; that is the bill.

The ACTING CHAIRMAN. The following amendment will be considered pending upon a motion for its adoption:

1. That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide 1,500 cubic feet of water per second of time at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated out of any money in the Treasury not otherwise appropriated \$1,600,000, so much thereof as may be necessary to be expended in said works by the Reclamation Service.

Senator CHAMBERLAIN. Does that come out of their fund?

Commissioner VALENTINE. That will appear in the following items of the bill, as to how that is reimbursable.

The ACTING CHAIRMAN. The amendment goes on as follows:

2. That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 32,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

3. That other lands under Indian ownership to the extent of 70,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that provided for in the preceding paragraph, which cost shall be a charge against said lands to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

4. That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States.

5. That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the

Secretary of the Interior: *Provided*, That no water shall be furnished as herein provided for until the owners of deeded or sold lands and Indians holding lands in fee benefited thereby shall have agreed to pay such proportionate share, such payments when received to be a part of the tribal funds of the Yakima Indians.

Senator CHAMBERLAIN. I do not understand that all of this charge is to be paid out of the Indian fund.

Commissioner VALENTINE. No, sir. We feel that at the very least the Indians should be paid out of the General Treasury for 400 second-feet—construct works which will produce and deliver to them 400 second-feet at the reservation head gates—and that the remainder will be reimbursable out of the lands benefited.

Senator CHAMBERLAIN. You do not know how much will be paid back to the Government?

Commissioner VALENTINE. Well, it will be about eleven-fifteenths.

The ACTING CHAIRMAN. Is the committee ready for the question?

Senator McCUMBER. I do not know anything about the proposition, and it is not clear to me who is to pay for it. It seems to me upon the face of it it is a loan by the Government.

Senator CURTIS. It is practically a loan.

Senator McCUMBER. The Government advances the money, and it is to be paid back as the water is used on the charge against the land. That is what it amounts to.

Commissioner VALENTINE. Yes, sir.

Senator McCUMBER. The necessity of it or anything of that kind I do not know anything about.

Commissioner VALENTINE. Senator Jones is very much interested in this, and he asked me yesterday morning when he was here, you will recall, Mr. Chairman, to put the item before the committee.

The ACTING CHAIRMAN. He is now presiding, and instead of sending for him we will put it on and dispose of it on the floor.

Senator CURTIS. I give notice that I will reserve the right to make a point of order against it.

The ACTING CHAIRMAN. It will go in subject to your objection.

The amendment was agreed to.

The ACTING CHAIRMAN. Now Wisconsin. For the Hayward School we changed, on line 14, "2" to "3," on the same line "an addition" to "additions," "dormitory" to "dormitories," "16" to "20," and on line 16, "54" to "59."

Those were according to the estimates.

The amendments were agreed to.

The ACTING CHAIRMAN. On page 53, line 3, we have added:

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, \$9,000.

Was that estimated for?

Commissioner VALENTINE. Yes. The House left it out.

The amendment was agreed to.

The ACTING CHAIRMAN. The next is:

The time provided for bringing suits under the fifth paragraph of section 26 of the act approved April 4, 1910, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911" (36 U. S. Stat. L., 287), be, and the same is hereby, extended to the 30th day of June, 1913.

I see no objection to that except that it is new legislation.

Senator CURTIS. What is that?

The ACTING CHAIRMAN. You know in 1910 we provided for bringing suits in the Menominee logging business and limited the time of the act; this extends the time one year.

Senator CURTIS. I reserve the right to make a point of order against that.

The ACTING CHAIRMAN. That is understood.

The ACTING CHAIRMAN. We will now take up the Lee claim. The provision is as follows:

That the Secretary of the Interior is hereby authorized and directed to satisfy of record the judgments rendered in the district court of Oklahoma, for the eighth judicial district, on December 15, 1911, in favor of Albert J. Lee and against Jack Postoak, in the sum of \$1,448, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Bessie Postoak; against King Isaacs and others, in the sum of \$1,449, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Rogers Isaac; against Thompson Peters, in the sum of \$1,476, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Sookie Peters; and against Zeno Huff, in the sum of \$732, by the payment thereof out of any funds that may now or hereafter be to the credit of said Zeno Huff.

Those are some judgments that Lee obtained against these people for getting them on the rolls, and they have not money enough now to pay them. The object of this is to authorize the Secretary to take from these individual funds, as they come in, the sums necessary.

Senator CURTIS. You put that in the bill. Why do you not put in that, and I will make the point of order on the floor?

The motion was agreed to.

The ACTING CHAIRMAN. Put this on page 42.

Senator CURTIS. Let it follow the Belt claim on page 41.

The ACTING CHAIRMAN. That is all right.

I have another matter that I want to bring before the committee:

That for the purpose of carrying into effect the act of June 25, 1864 (13 Stat. L., p. 172), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, the sum of \$447,339, the same being the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document No. 830, Sixtieth Congress, first session, and said sum shall be immediately available for said purpose.

There is a long report here, part of which I should like to read:

#### STATEMENT No. 1.

As the members of the Wisconsin Band of Pottawatomies were not required to remove west until after February 21, 1838, it is presumed, and apparently admitted by them in their memorial (S. Doc. No. 185, 57th Cong., 2d sess.), that they shared in the distribution of the tribal annuities up to and including the year 1837.

Articles II and III of the treaty of 1861 (12 Stat. L., 1191), required the United States Indian agent for the Pottawatomie Tribes in Kansas to take an accurate census of them, in separate lists, and provided for the distribution of the proportionate share of the cash value of all the tribal funds to such allottees of the tribe as were deemed capable of citizenship. In accordance with these provisions, as modified by later acts, about two-thirds of the residents of the tribe in Kansas did become citizens, and received their distributive share of the estimated cash value of all annuities and other funds of the tribe. As the Wisconsin Band of Pottawatomies did not share in this distribution, nor in the payment of annuities, after 1838, all limited and perpetual annuities will be treated as though the aforesaid treaty of 1861 had not been entered into, and as though no division of funds had been made.

Congress, by the act of June 25, 1864 (13 Stat. L., 172), provided as follows:

‘For deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota, during the fiscal year ending June 30, 1864,

**\$137,293.40:** *Provided*, That the portion expended in behalf of the Winnebagoes shall be reimbursed to the Treasury upon the sale of their lands in Minnesota to enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottawatomie Indians, now in the State of Wisconsin, with a view to prevent any further depredations by them upon the citizens of that State; and for provisions and subsistence, **\$10,000:** *Provided*, That the proportion of annuities to which said stray bands of Pottawatomies and Winnebagoes would be entitled if they were settled upon their reservations with their respective tribes shall be retained in the Treasury to their credit, from year to year, to be paid to them when they shall unite with their said tribes, or to be used by the Secretary of the Interior in defraying the expenses of their removal, or in settling and subsisting them on any other reservation which may hereafter be provided for them."

As the effect to be given this statute in determining the proportionate share of the Wisconsin Pottawatomies in the annuities of the tribe has not been judicially determined, the table following is submitted, showing the total annuities of the tribe for the two periods from 1838 to 1863, inclusive, 26 years, and from 1864 to 1907, inclusive, 44 years.

Treaty.	Annual amount.	Time.	Amount due nation from 1838 to 1863, inclusive (26 years).	Amount due nation from 1864 to 1907, inclusive (44 years).
Aug. 3, 1795.....	\$1,000.00	Perpetual...	\$26,000.00	\$44,000.00
Sept. 30, 1809.....	500.00	do.....	13,000.00	22,000.00
Oct. 2, 1818.....	2,500.00	do.....	65,000.00	110,000.00
Aug. 29, 1821.....	5,000.00	20 years.....	20,000.00	.....
Oct. 16, 1826.....	2,000.00	22 years.....	22,056.00	.....
Do.....	<sup>1</sup> 160	Perpetual...	1,400.00	2,464.00
Sept. 20, 1828.....	2,000.00	do.....	52,000.00	88,000.00
Do.....	1,000.00	20 years.....	11,000.00	.....
July 29, 1829.....	16,000.00	Perpetual...	416,000.00	704,000.00
Do.....	<sup>1</sup> 50	do.....	1,300.00	2,200.00
Oct. 20, 1832.....	15,000.00	20 years.....	225,000.00	.....
Oct. 26, 1832.....	20,000.00	do.....	300,000.00	.....
Oct. 27, 1832.....	15,000.00	12 years.....	105,000.00	.....
Sept. 26, 1833.....	14,000.00	20 years.....	224,000.00	.....
Do.....	2,000.00	do.....	32,000.00	.....
June 17, 1846.....	300.00	Perpetual...	5,100.00	13,200.00
<b>Total.....</b>			<b>1,518,856.00</b>	<b>985,864.00</b>

<sup>1</sup> Bushels of salt.

<sup>2</sup> Barrels of salt.

By the act of Congress approved March 19, 1890, the Court of Claims was given jurisdiction to try all questions of difference arising out of treaty stipulations with the Pottawatomie Indians of Michigan and Indiana and to render judgment thereon. In accordance with this statute the consolidated cases of the Pottawatomie Indians *v. The United States* were heard and determined by the court (27 C. C., 403). In its ninth finding of facts the court concludes that the average number of Indians remaining in Wisconsin during the period commencing in 1836 and extending to 1872, in accordance with the supplemental article to the articles supplementary to the treaty of 1833, was 291, and that the number of Indians who had emigrated to the West averaged 2,812 for the same period.

The total membership of the bands in Kansas, as estimated by the census taken in pursuance of the treaty of 1861 (12 Stat. L., 1191), was 2,180. Taking this number as the average of the tribe in Kansas from 1872 to 1907 and comparing it with the average of 2,812, found by the Court of Claims for the preceding period from 1836 to 1872, a mean average of 2,496 for the whole period from 1836 to 1907 is obtained for the total membership of the tribe west of the Mississippi.

Finding 11 of the Court of Claims also determined that the total number of said Indians who remained in Michigan was 1,100. Combining these figures with those given in Table No. 1, showing the membership of the tribe in Wisconsin and Canada and other data, the following results are obtained:

Average number of Pottawatomies west of the Mississippi from 1836 to 1907.....	2,496
Whole number remaining in Michigan.....	1,100
Approximate number which fled to Canada from Michigan.....	518
Average number of the Wisconsin Band in Wisconsin and Canada.....	1,925
<b>Total membership of the tribe.....</b>	<b>6,039</b>

Assuming that the Indians who fled to Canada are entitled to share equally with those who continued to reside in Wisconsin, the fractional part of the total annuities for the period stated due the Wisconsin band is  $\frac{1}{3}\frac{2}{3}$ . Hence the proportionate share of the Wisconsin Band from 1838 to 1863 is \$484,156.75. Proportionate share of the Wisconsin Band from 1864 to 1907 is \$314,255.37; total share of annuities, \$798,412.12.

## STATEMENT No. 2.

The treaty of June 17, 1846, Article II (9 Stat. L., 853), ceded to the United States all the lands granted to the Pottawatomie Nation by the treaty of September 26, 1833. (7 Stat. L., 431.)

Article III of the treaty provided as follows:

In consideration of the foregoing cessions or sales of lands to the United States it is agreed to pay to said tribes of Indians the sum of \$850,000, subject to the conditions, deductions, and liabilities provided for in the subsequent articles of this treaty..... \$850,000. 00

The deductions were to be as follows:

By Article V. For payment of first annuities to enable the Indians to pay their debts before leaving for their new homes, to pay for their improvements, etc.....	\$50,000. 00
By Article VI. To pay expenses for removal of the Upper and Lower Bands and subsistence for 12 months after their arrival at new homes.....	70,000. 00
Total cash payments.....	120,000. 00
By Article IV. Payment to the United States for 576,000 acres of land in Kansas.....	87,000. 00
Total deductions.....	207,000. 00
Balance.....	643,000. 00

For the five years prior to 1846 the average number of Indians west of the Mississippi, as shown by the Court of Claims in the case previously referred to, was 2,231; for the same period the total number in Michigan was 1,100, of which there was an average of 269 who were not entitled to share in the proceeds of the sale of lands under the treaty of 1846, they having received lands in Michigan under the supplemental article to the treaty of 1833. The figures are established by the eighth and ninth findings of the said court. Using the figures already determined as representing the number of the tribe in Canada and Wisconsin, the following table has been constructed, showing the total number of claimants who might have shared in the cash payment of \$120,000 made under the treaty of 1846:

Average number of the tribe west of the Mississippi.....	2, 231
Number in Michigan.....	831
Approximate number in Canada.....	518
Average number of the Wisconsin band in Wisconsin and Canada.....	1, 925
Total number of claimants.....	5, 505

Fractional part due the Wisconsin band, assuming that all members of the tribe should share equally,  $\frac{1}{3}\frac{2}{3}$  of \$120,000, which amounts to \$41,961.85.

## STATEMENT No. 3.

By Article VII of the treaty of June 17, 1846, the balance of the purchase price of \$643,000 which remained after the deductions stated was to be held in trust by the United States, and to draw interest at 5 per cent annually, commencing at the expiration of one year after the removal of said Indians and continuing for 30 years and until the nation was reduced below 1,000 souls. Interest on that sum, amounting to \$32,150, was first appropriated by the act approved July 29, 1848, and the same amount was yearly appropriated up to and including 1868, after which the trust principal was reduced by the shares of the citizens being withdrawn in accordance with the provisions of the treaty of 1861, until, in 1875, it only amounted to \$230,064.20 and the interest to \$11,503.21.

In determining the number of claimants entitled to share in this fund recourse is again had to the decision of the Court of Claims (eighth, tenth, and eleventh findings

of fact) and the other sources of information mentioned, from which the following compilation is made:

Average number of the tribe west from 1846 to 1872.....	2, 640
Average number of the tribe west from 1872 to 1907 (census under treaty of 1861).....	2, 180
	<hr/> 4, 820
Mean average west from 1846 to 1907.....	2, 410
Numbers in Michigan, exclusive of average of 291 who received lands there.....	809
Approximate number in Canada from Michigan.....	518
Average number of Wisconsin band in Wisconsin and Canada.....	1, 925

Total number of possible claimants..... 5, 662

Fractional part of said interest, due the Wisconsin Band, assuming that all share equally,  $\frac{1}{333\frac{1}{3}}$ .

The total interest accrued and estimated on the said balance of \$643,000 is shown by periods as follows:

Annual interest.....	\$32, 150. 00
Amount due nation from 1848 to 1863, inclusive (16 years).....	514, 400. 00
Amount due the Wisconsin Band.....	174, 888. 73
Amount calculated for nation from 1864 to 1907 (44 years).....	1, 414, 600. 00
Amount due the Wisconsin Band.....	480, 943. 93

#### STATEMENT No. 4.

Share of the Wisconsin Band of Pottawatomies in the proceeds of the sale of surplus lands and interest on deferred payments.

Under Article V of the treaty of 1861 (12 Stat. L., 1191) the privilege was granted the Leavenworth, Pawnee & Western Railroad Co. to purchase the surplus lands of the Pottawatomies (acquired by the treaty of 1846 for the retained purchase price of \$87,000) at \$1.25 per acre. Article 2 of the agreement of February 27, 1867 (15 Stat. L., 531), sets forth that the Leavenworth, Pawnee & Western Railroad Co., having failed to purchase the lands as provided by the agreement of 1861, the Atchison, Topeka & Santa Fe Railway Co. may purchase said lands at \$1 per acre, the amount of such purchase money to be paid within five years from date of purchase, with interest at the rate of 6 per cent per annum on deferred payments. Article 2 of the 1867 agreement provided that John F. Deils, John Shoemaker, and M. Gillaud should have the right to purchase in a compact body 1,013.54 acres of the unallotted lands at \$1 per acre. These parties actually purchased and paid for 1,014.62 acres. The proceeds from the sale of the lands were divided according to the treaty of 1861 among the 2,180 members of the tribe, whose numbers were ascertained by the census taken, as required by said treaty. No other claimants shared. The proportion due the Wisconsin Band is estimated from the following table, using the figures as previously stated:

Number in Kansas.....	2, 180
Number in Michigan.....	809
Approximate number in Canada from Michigan.....	518
Average number of the Wisconsin Band in Wisconsin and Canada.....	1, 925

Total number of possible claimants..... 5, 432

Fractional part due the Wisconsin Band,  $\frac{1}{333\frac{1}{3}}$ .

The following is a statement of the land account under the treaty of 1867 (15 Stat. L., 531):

Interest paid by the Atchison, Topeka & Santa Fe Railway.....	\$101, 630. 05
Amount paid for land by Deil, Shoemaker, and Gillaud.....	1, 014. 62
Amount paid by the Atchison, Topeka & Santa Fe Railway.....	338, 766. 82

Total..... 441, 411. 49

Proportionate share of the Wisconsin Band, \$156,427.43.

## STATEMENT No. 5.

Showing the number of acres allotted and held in common under the treaty of 1861, valued at \$1 per acre:

Article 4 of the treaty of June 17, 1846 (9 Stat. L., 1853), provided for the purchase of 576,000 acres of land, which was to form the new reservation for the Potawatomes in Kansas. Under the provisions of the treaty part of this land was to be allotted in severalty to those members who should afterwards become citizens, and part was to be set aside in portion equal to the amount given to those in severalty, to be held in common by the noncitizens, and the remainder of the land was to be sold at \$1 per acre to the Atchison, Topeka & Santa Fe Railway Co., except the 1,014.62 acres sold to Deil, Shoemaker, and Gillaud. The total amount sold was 339,781.44 acres, showing that the number of acres allotted in severalty and the number to be held in common aggregated 236,218.56 acres. Placing the same value on this allotted land as was paid for the surplusage, it would be worth \$236,218.56. The Wisconsin Potawatomes not having been allotted lands elsewhere, would have been entitled to a share of the 576,000 acres in Kansas had they removed there. If they are entitled to share in the proceeds of the surplus lands, then each one would be entitled to share equally with the Kansas members of the tribe in the lands allotted and held in common, either by receiving their proper allotments or an equivalent in cash. As allotments, however, were to be based on the status of the several members of the tribe, which status has not been determined for the Wisconsin Band, it is impracticable to determine the number of acres that they should have received in allotments; hence an estimate of the cash value of the proportionate shares of the entire Wisconsin Band is submitted, taking the membership of the tribe as compiled for statement No. 4:

Acres.....	236, 218. 56
Value.....	\$236, 218. 56

The fractional part of the value of this land to which the Wisconsin Band would have been entitled had they emigrated with their brethren is  $\frac{1}{1233}$ , which amounts to \$84,065.71. It is presumed that the use of lands in Wisconsin and Michigan is sufficient consideration to form an equitable set-off against any claim for interest that might otherwise be held to have accrued on this item.

## STATEMENT No. 6.

Beginning with the fiscal year 1869, certain portions of the principal of \$643,000 remaining from the purchase price of the lands ceded to the United States under the treaty of June 17, 1846 (9 Stat. L., 1853), were paid from time to time to the members of the tribe in Kansas, who elected to receive their allotments in severalty, until in 1875 it was reduced, as previously stated, to \$230,064.20, of which amount \$148,844.51 was paid to the Pottawatomes in Kansas in the first quarter of the fiscal year 1908, in accordance with the act of March 1, 1907 (34 Stat. L., 1031). The balance of \$81,219.69, being the shares of certain minors and incompetents, was retained in the Treasury of the United States. Although the act of March 1, 1907, specifically provides that the balance of \$230,064.20, appropriated by it, shall be paid to the "members of the Pottawatomie Tribe of Indians in Kansas," it is believed that the equitable right of the members of the Wisconsin Band to share in the payment of this balance is as great as their right to share in the other portion of the \$643,000 principal; hence this statement is made to include the entire amount of said principal.

The number of claimants is taken in conformity with the estimate made in statement No. 4, showing the fractional part due the Wisconsin Band to be  $\frac{1}{1233}$ .

$\frac{1}{1233}$  of \$643,000 equals \$227,866.10.

## RECAPITULATION.

*Proportionate shares of the Wisconsin Pottawatomes.*

Statement.	1838 to 1863.	1864 to 1907.	Total.
No. 1.....	\$484, 156. 75	\$314, 255. 37	\$798, 412. 12
No. 2.....			41, 961. 85
No. 3.....	<sup>1</sup> 174, 888. 73	480, 943. 93	655, 832. 66
No. 4.....			156, 427. 43
No. 5.....			84, 065. 71
No. 6.....			227, 866. 10
Total.....	659, 045. 48	795, 199. 30	1, 964, 565. 87

<sup>1</sup> From 1848 to 1863.

Senator CURTIS. What do you want to put that on the appropriation bill for?

The ACTING CHAIRMAN. To authorize the credit to these Indians for their proportionate share, so as to close it up.

Senator McCUMBER. We do not appropriate that money?

The ACTING CHAIRMAN. No; it is something that we are holding.

Senator McCUMBER. We do not appropriate that money; we simply make distribution of it by crediting them with their proportionate share.

The ACTING CHAIRMAN. How familiar are you with that, Mr. Commissioner?

Commissioner VALENTINE. In a general way only, Mr. Chairman. We feel that it is very desirable to make that distribution.

Senator OWEN. What objection is there to making the distribution?

The ACTING CHAIRMAN. Now, attached to that is a provision which is another proposition entirely:

From the said sum the said Secretary is authorized and directed to pay to Mrs. R. V. Belt, widow of R. V. Belt, deceased, the attorney who in his lifetime represented the Wisconsin band of Pottawatomie Indians in the proceedings and the accounting set forth in said document, 10 per cent of said sum in lieu of the amount due him under the contract approved by the Commissioner of Indian Affairs on the 1st day of November, 1902, and the balance of said sum placed to the credit of said Indians shall bear interest at the rate of 5 per cent per annum, which said interest shall be distributed per capita under the direction of the Secretary of the Interior to the members of said band now resident in the States of Wisconsin and Michigan, or shall be expended in his discretion for their benefit.

Senator CURTIS. All we have on that subject is the report of the Secretary of the Interior as to the various funds, and we have a finding of the court as to the membership of the tribe.

The ACTING CHAIRMAN. We have all the evidence.

I think, perhaps, without putting the attorney part on we had better put this on. I presume that Senator La Follette will be back by the time we get this bill on the floor.

Senator CURTIS. I want to look into that a little more before I consent.

The ACTING CHAIRMAN. I will tell you what we will do. You take this and look into it, and it can be offered on the floor. You can offer it.

Senator CURTIS. No; I will not offer it on the floor.

The ACTING CHAIRMAN. I will offer it on the floor if I am handling the bill, if Senator Gamble does not get back.

The amendment was agreed to.

The ACTING CHAIRMAN. Has any Senator anything more to bring before this committee on this bill?

Commissioner VALENTINE. I have one or two points here.

The ACTING CHAIRMAN. You had better take them up.

Commissioner VALENTINE. On page 15 of the bill, line 7, I would like to see the wording entirely changed to read: "In establishing day schools or other industrial schools."

The ACTING CHAIRMAN. Oh, yes.

Senator CHAMBERLAIN. You want it to read "other industrial schools"?

Commissioner VALENTINE. I would like to cut out the word "day."

The amendment was agreed to.

Commissioner VALENTINE. Senator Ashurst this morning asked us to draft an amendment in regard to the Papago item, which the other

Senator from Arizona spoke about. We have drafted it to read as follows:

To enable the Secretary of the Interior to investigate the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands on the Papago Indian Reservation, Ariz., and report thereon to Congress at the beginning of its next session, \$5,000.89.

Senator CHAMBERLAIN. What page and what line?

Commissioner VALENTINE. It would go in, if you decide to put it in, on page 13, to take the place of the paragraph beginning with line 10.

Senator OWEN. In lieu of the item beginning on line 10?

Commissioner VALENTINE. Yes, sir.

Senator OWEN. And down to line 10 on page 14?

Commissioner VALENTINE. Yes. It takes the place of that item. Instead of appropriating \$100,000 to do that work—I think I am stating Senator Ashurst's views correctly; he thought it would be a good idea to have a small amount to make further investigations of the situation there, and we have drafted this amendment.

The amendment was agreed to.

Commissioner VALENTINE. Then at an informal meeting some time ago, when certain Members of the House were present and I think some gentlemen here were also present, the question of the reimbursability of the funds used for developing the Pima Indian Reservation was considered, and it was suggested that I draw up a tentative item and submit it to the Indians. I did so, but have not heard from the Indians, because one of the House committees is now down there making an investigation and the Indians very naturally would not pass upon a thing finally until after that committee had finished there. But I do believe it would be a very valuable thing to have in this bill, so that it can be considered in connection with any matter which may come up between now and the time of the passing of a bill containing the reimbursable item, which is along lines suggested by Senator Chamberlain, I believe.

It would come in on page 12, after the word "dollars," in line 3, and would read as follows:

*Provided further*, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation, heretofore and herein authorized to be paid from the public funds, shall be repaid into the Treasury of the United States as and when funds may be available therefor: *And provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

The amendment was agreed to.

Commissioner VALENTINE. I hope I have made myself clear, Mr. Chairman, that the Indians have not yet stated their view on this matter.

The ACTING CHAIRMAN. Yes.

Commissioner VALENTINE. I did not want to forestall their action, but I do feel that while we are on the bill it should be considered.

One other thing, I think, is that these letters which the clerk of the committee has just handed to me, coming from the Acting Secretary of the Interior, on behalf of the Pima work down there, should go in the record.

The ACTING CHAIRMAN. Very well.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,  
*Washington, April 12, 1912.*

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

SIR: As supplemental to the discussion in your committee rooms on April 11 regarding the Gila River Indian Reservation, Ariz., at which were present Commissioner Valentine, of the Indian Service; Director Newell, of the Reclamation Service; and others, I wish to call particular attention to the item in H. R. 20728, page 9, beginning with line 17.

This provides for an investigation for a dam and reservoir on the San Carlos Indian Reservation. The matter has been previously discussed, and in a letter from the department dated February 21 (copy herewith) the suggestion has been made that it be covered by the following clause, given here for your consideration as a desirable amendment of the language of the bill:

"That the sum of \$25,000, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for examinations and surveys for reservoirs and irrigation works on the Gila River, Ariz., for the irrigation of Indian, private, and public lands in the Gila River Valley, such examination and surveys to be made under the direction of the Secretary of the Interior. The results of the investigations, showing probable cost and feasibility of such works, to be reported to Congress at the earliest practicable date."

This proposed investigation should not be confined to one particular locality on Gila River, but for guidance in the future there should be obtained full and accurate information concerning all practicable reservoir sites on Gila River and its tributaries.

The investigation should be made under the direction of this department, and by the men who are expert in irrigation construction and operation. The department now has at its command not only the organization and machinery for making such examinations, but has been doing this for the past 10 years, and is building and operating what are regarded as the most notable systems of irrigation in the world. Its employees have been pioneers in certain lines of irrigation adapted to American conditions both for Indians and whites, and have the advantage of the latest knowledge and experience of the subject, so that any proposed investigation should be made by the men now or recently in the employ of the department.

It must be emphasized that the results of this investigation should not be confined to purely engineering considerations. There is no question but that, given a sufficient amount of money, a dam can be built at San Carlos, but the question far more important than that of building such a structure is of the economics of future operation and maintenance, and as to whether such a structure and proposed irrigation system is worth what it costs. This involves questions of length of life of the reservoir, quantity and quality of water, losses by evaporation in the reservoir and in transit to the fields, the proper location and design of the canal system, and innumerable other technical questions, the solution of which should be entrusted to men of experience and who have been and who are giving consideration to these, rather than to the limited question of construction of a dam.

The department has recently invested over \$70,000,000 in such works. Its employees have acquired invaluable experience, and through their recent experience in the operation of the works have fresh in mind many important details which have not yet become matters of general knowledge. It would be highly unwise to fail to make use of this recently acquired and valuable experience.

Respectfully,

SAMUEL ADAMS,  
*Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, February 21, 1912.

HON. JOHN H. STEPHENS,  
*Chairman Committee on Indian Affairs,  
House of Representatives.*

SIR: I have your request for report upon H. R. 18244, relating to the utilization of the waters of the Gila River, Ariz., for the irrigation of lands in its valley, including tracts occupied or needed for the Pima and other Indians.

The fourth preamble and section 1 of the bill refer specifically to what is known as the San Carlos Reservoir site, which has been the subject of investigation and report by various engineers. This site has been under the consideration of the department in connection with the application for right of way of the Arizona Eastern Railroad Co. and the applications of J. M. Jamison et al. for right to occupy and use the same as a reservoir site, act March 3, 1891 (26 Stat., 1095), for the proposed irrigation of arid lands, and on February 17, 1912, the department rendered decision rejecting the application for right of way of the railroad company on the ground that its approval would destroy the possibility of use of this site for the irrigation of arid lands, but intimating that an application on behalf of the railroad company for right of way at such an elevation as will avoid interference with the reservoir site will receive consideration. The applications of Jamison et al. for the reservoir site were also rejected, without prejudice to the right of said applicants or any one of them to hereafter submit a new application, supported by such showing as shall reasonably demonstrate the feasibility of the plan and capability of the applicants to carry the project to a successful conclusion.

The effect of this decision, as will be seen, leaves the reservoir site in the possession and under the control of the United States, subject to utilization by it or by such applicants as may be able to submit a satisfactory and feasible plan for its utilization. A copy of said decision is inclosed for the information of your committee.

The several preambles to the bill appear to be based upon some misconceptions as to the facts.

While it is claimed that the Pima Indians have, through diversion of waters of the Gila by white settlers living higher up the river, been deprived of a portion of the low-water flow of the river and have lost their rights therein, this department is now actively considering the best method of determining what the rights of the Pima Indians are and is not willing to admit that any rights the Pima Indians had in the waters of the Gila River have been irretrievably lost. It is also worthy of note that both the San Carlos and Pima Indians are, in fact, still using a portion of the waters of said river, although on account of the use by the white settlers above mentioned there is ordinarily not sufficient water for the Indian needs. Five hundred thousand dollars have been appropriated, act March 3, 1905 (33 Stat., 1081), for the establishment of a system of irrigation for the lands of the Indians through wells, etc.; but this department is not at present prepared to state whether or not an additional expenditure of \$1,000,000 will be necessary to irrigate the lands of the Indians. Various studies of the waters of the vicinity, both surface and underground, indicate the presence of soluble salts therein; but it has not been demonstrated that the water from wells or from the streams is unfit for use in irrigation or will render the lands irrigated unfit for agricultural use. Water Supply Paper No. 104 of the Geological Survey states that "the underground water at Sacaton is better for irrigation so far as salt contained is concerned than the average surface water of the river," and instances a number of places in the vicinity where both well and river water charged with soluble salts has been used for irrigation for periods ranging from 5 to 30 years without injury to the land and with marked success in the growth of agricultural products, trees, and shrubs.

The data now available with reference to the so-called San Carlos Reservoir site, including the reports mentioned in the fourth preamble, is not sufficient in the opinion of this department to establish beyond question the feasibility of said site or of a reclamation project thereunder. Points which require further investigation and determination are: Quantity and quality of water supply, existing legal claims to water, length of life of the reservoir or depreciation of the value due to silting, etc., existence of a suitable and adequate foundation for such a dam as it would be necessary to build at this site, total cost of the project structures, and acreage which may be reclaimed and which must bear the project cost. Therefore, as concluded in the decision hereinbefore cited and in this paper, the department does not believe that the United States should undertake or that private parties should be permitted to undertake the construction of this project until a satisfactory showing upon the points indicated has been had after further investigation. Whether it shall be left to private parties

or undertaken by this department is a matter for Congress to determine, but in the latter event the first step should be an appropriation to cover the costs of additional investigation, and it is therefore recommended that if Congress desires further investigations to be made by this department H. R. 18244 be not enacted in its present form, but that the following be substituted therefor:

That the sum of \$25,000, or so much thereof as may be required, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for examinations and surveys for reservoirs and irrigation works on the Gila River, Arizona, for the irrigation of Indian, private, and public lands in the Gila River Valley, such examination and surveys to be made under the direction of the Secretary of the Interior. The results of the investigations, showing probable cost and feasibility of such works, to be reported to Congress at the earliest practicable date.

Very respectfully,

SAMUEL ADAMS,  
*Acting Secretary.*

Commissioner VALENTINE. And one final thing. There has just been handed to me by the clerk of the committee a letter from the First Assistant Secretary of the Department of the Interior addressed to the chairman of the Committee on Indian Affairs, inclosing the text of an amendment the Secretary recommends to be inserted in the bill, this current bill. He says:

This legislation is sought for the purpose of providing for the payment of a per diem in lieu of subsistence to surveyors engaged upon the surveys of Indian lands, which payment under the present ruling of the Comptroller of the Currency can not be made such officials.

And the item reads as follows:

Surveys provided for by appropriations for surveying and allotting Indian reservations shall be made in accordance with the provisions for surveys and resurveys of public lands, including traveling expenses and allowance in lieu of subsistence, to surveyors and clerks detailed as surveyors employed thereunder.

That will go in at the bottom of page 2.

The amendment was agreed to.

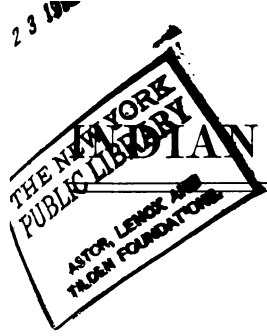
The ACTING CHAIRMAN. Has any Senator anything more to bring before this committee on this bill? If not, a motion will be considered as pending authorizing the chairman to report the bill as amended.

The motion was agreed to.

Thereupon, at 4 o'clock p. m., the committee adjourned.







# INDIAN APPROPRIATION BILL

---

## HEARINGS

BEFORE A

★ SUBCOMMITTEE OF THE  
COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE

SIXTY-SECOND CONGRESS

SECOND SESSION

ON

### H. R. 20728

A BILL MAKING APPROPRIATIONS FOR THE CURRENT AND  
CONTINGENT EXPENSES OF THE BUREAU OF INDIAN  
AFFAIRS, FOR FULFILLING TREATY STIPULA-  
TIONS WITH VARIOUS INDIAN TRIBES,  
AND FOR OTHER PURPOSES, FOR  
THE FISCAL YEAR ENDING  
JUNE 30, 1913

---

THURSDAY, MAY 9, 1912

---

Printed for the use of the Committee on Indian Affairs

---

### PART 4

---

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1912

COMMITTEE ON INDIAN AFFAIRS.

UNITED STATES SENATE.

ROBERT J. GAMBLE, South Dakota, *Chairman*.

MOSES E. CLAPP, Minnesota.

PORTER J. McCUMBER, North Dakota.

GEORGE SUTHERLAND, Utah.

ROBERT M. LA FOLLETTE, Wisconsin.

CHARLES CURTIS, Kansas.

NORRIS BROWN, Nebraska.

JOSEPH M. DIXON, Montana.

CARROLL S. PAGE, Vermont.

WILLIAM J. STONE, Missouri.

JEFF DAVIS, Arkansas.

ROBERT L. OWEN, Oklahoma.

GEORGE E. CHAMBERLAIN, Oregon.

HENRY L. MYERS, Montana.

HENRY F. ASHURST, Arizona.

RALPH H. CASE, *Clerk*.

# INDIAN APPROPRIATION BILL.

THURSDAY, MAY 9, 1912.

COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
*Washington, D. C.*

The committee met at 10.30 o'clock a. m., having under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, etc., for the fiscal year ending June 30, 1913.

Present: Senators Clapp (acting chairman), Curtis, Page, Owen, Chamberlain, and Ashurst.

The ACTING CHAIRMAN. Mr. Bentley is present and desires to make a statement with reference to the Kickapoo situation in Oklahoma. Mr. Bentley, you may proceed.

## STATEMENT OF MARTIN J. BENTLEY, OF SHAWNEE, OKLA.

Mr. BENTLEY. Mr. Chairman, may I ask first if the Indian appropriation bill is still under consideration?

The ACTING CHAIRMAN. Of course, it is always under consideration until it is passed.

Mr. BENTLEY. Mr. Chairman, this bill carries an item for the support and civilization of the Kickapoos in Oklahoma, of \$2,000, and I have lately made some investigation, and find that there are but 70 Oklahoma Kickapoos in Oklahoma. That was the appropriation for last year, nearly \$1,900 of which was paid out in salaries, and \$45 of which was used for the support of the Kickapoos. Such equipment as these Indians have was given to them by the Government to use, and the stock with which they are farming their allotments. During the past winter, instead of this money being used for the support and maintenance of this stock, it was largely used for employees and the stock permitted to starve. I think half of it starved to death.

Senator PAGE. That is a pretty strong statement, and I would like to have the Commissioner of Indian Affairs present to hear it.

The ACTING CHAIRMAN. The commissioner was present when we began.

Senator PAGE. Mr. Valentine, I would like to have you hear the statement that Mr. Bentley has just made with regard to the expenditure of \$2,000 appropriated for a certain department. He says there was \$45 that went to the Indians, and that \$1,935 went to the salaries of officers.

employees from this appropriation; but employees so paid should be engaged upon work solely for the Indians for whom the appropriation is made.

By reason of the less advanced condition of the Kickapoos and the extensive litigation in connection with title to their lands the bulk of the work of this superintendency has been for the Kickapoo Indians. In addition to the services of these employees, the Kickapoos have also received the benefit of the services of the farmers and other employees at this agency, paid from other appropriations.

The attention of the office having been called to the fact that the services of these employees have not been utilized exclusively for the Kickapoos, steps will be taken to pay their salaries for the next fiscal year from another appropriation, more general in its terms, and about the applicability of which there can be no question. This will leave the entire amount of the gratuity appropriation for the Kickapoos available for other purposes more directly for their benefit.

The superintendent of the Shawnee jurisdiction, with headquarters at Shawnee, Okla., has under him three tribes, as follows:

Kickapoos.....	170
Potawatomes.....	900
Shawnees.....	428

An aggregate of..... 1,498

All of these Indians are within the limits of this jurisdiction.

Under this jurisdiction there were originally allotted 309,120 acres, of which 52,353 acres, or 16.8 per cent, are still held under trust patent.

	Total acreage allotted.	Remaining under trust patent.	
		Acreage.	Per cent.
Kickapoos.....	22,650.00	16,091.84	71.0
Potawatomes.....	215,679.42	18,856.16	8.2
Shawnees.....	70,791.47	17,416.46	24.5
Total.....	309,120.89	52,353.46	16.8

The superintendent reports as still belonging to the Indians 90,409 acres, valued at \$10 per acre, or a total of \$904,090. Doubtless some of this land has been patented in fee and is still owned by the Indians. This land is scattered over an area of about 1,000 square miles.

The Government property for which the superintendent is responsible is valued at:

Agency property.....	\$4,203.00
School property.....	94,999.10
Total.....	99,202.10

The total expense for running this superintendency during the fiscal year ending June 30, 1911, was \$35,193.42, of which \$10,005.36 was for agency purposes, and \$25,188.06 for school purposes. Included in the agency expense is the \$2,000 spoken of by Mr. Bentley.

These expenditures were made from the following funds:

Agency:

Support of Kickapoos, Oklahoma, 1911.....	\$2,000.00
Pay of police, 1911.....	831.82
Contingencies, Indian Department, 1911.....	1,508.71
Industrial work and care of timber, 1911.....	2,487.80
Court costs, etc., in suits involving lands allotted to Indians, 1911...	2,017.24
Miscellaneous receipts, class 4.....	401.35
Miscellaneous receipts, class 5.....	45.00
Telegraphing, transportation, etc., Indian supplies, 1911.....	596.81
Buildings at agencies and repairs, 1911.....	116.63

Total..... 10,005.36

School:

Indian schools, support, 1911.....	21,678.37
Indian school buildings, 1911.....	2,844.20
Proceeds of lands, Shawnee School, Oklahoma.....	432.91
Indian school transportation, 1911.....	14.75
Miscellaneous receipts, class 4.....	12.50
Relieving distress and prevention of diseases among Indians, 1911...	155.58
Indian moneys, proceeds of labor.....	49.75

Total..... 25,188.06

The purposes for which these amounts were expended were as follows:

Agency:

Regular employees.....	\$5,863.10
Irregular employees.....	262.40
Repairs.....	116.63
Dry goods.....	53.82
Hardware, etc.....	86.00
Live stock.....	350.00
Transportation of supplies.....	483.96
Traveling expenses.....	2,293.63
Telegraphing and telephoning.....	112.85
Miscellaneous.....	382.97

Total..... 10,005.36

School:

Regular employees.....	9,750.66
Irregular employees.....	614.25
Construction.....	493.10
Repairs.....	2,550.50
Heat, light, and power.....	2,083.43
Subsistence.....	4,073.98
Dry goods.....	2,736.54
Hardware, etc.....	1,185.38
Furniture.....	374.33
Schoolroom supplies.....	111.19
Medical supplies.....	202.45
Live stock.....	841.90
Transportation of pupils.....	14.75
Telephone service.....	42.00
Stationery.....	41.10
Miscellaneous.....	72.50

Total..... 25,188.06

## CONDITIONS AS TO INDUSTRY AND SELF-SUPPORT.

Of 929 allotments under this jurisdiction 378, comprising 29,144 acres, were leased during 1911 through departmental control at an annual rental of \$31,366.90. Twenty-one allotments were leased by the Indians direct without departmental control, the annual rentals for which is unknown; 436 of the allotments were worked or used by the Indians.

There are about 350 Indians farming for themselves on about 4,000 acres, 3,300 acres of which is allotted land. The crops raised by them during the fiscal year 1911 were valued at \$13,575, as follows:

Hay.....	\$750
Grain.....	500
Vegetables and miscellaneous.....	12, 325

Four hundred and twenty-five of the Indians own stock as a partial means of support. Their stock is valued at \$77,630, distributed as follows:

Horses, mules, etc.....	603
Cattle.....	770
Swine.....	830
Bees (colonies).....	50
Poultry.....	5, 500

Twenty-two of the Indians were employed by the Government, earning an aggregate of \$3,824.02.

Eleven of the Indians are engaged in other industries for themselves; one as a tailor, six as clerks, and four as school-teachers.

Two hundred of the able-bodied adult Indians support themselves entirely by their own industry and thrift; 225 others make an effort at self-support, but are not entirely self-supporting. These latter have, however, individual Indian moneys or receive rentals from land, etc., sufficient to make up the deficiency.

Twenty-five of the able-bodied adult Indians make no effort at self-support whatever and do not receive moneys, rentals, etc., sufficient for their maintenance.

The value of the individual property owned by these Indians is as follows:

Lands.....	\$904, 090. 00
Timber.....	54, 950. 00
Funds in bank and on hand at disbursing office.....	54, 793. 00
Indian homes, barns, corrals, etc.....	150, 000. 00
Furniture in Indian homes.....	47, 100. 00
Tools and agricultural implements, etc.....	10, 000. 00
Wagons, vehicles, etc.....	5, 000. 00
Livestock, poultry, etc.....	77, 630. 00
Other property.....	5, 000. 00

Total.....	1, 308, 563. 00
Tribal funds in Treasury.....	92, 631. 77

Grand total..... 1, 401, 194. 77

The dry weather impaired the crops during 1911. Ninety per cent of the corn crop was an absolute failure, and only one-third of the cotton crop was realized. As soon as it was learned that the first planting was ruined many Indians planted a second crop on the same ground. This was also ruined by dry weather.

All able-bodied Indian men who have teams and tools or are able to purchase them have 40 acres reserved for their own use. As a rule

those who work are fairly well supplied with agricultural implements, etc. In only a few cases are the implements properly cared for. Seventy-five per cent of the allotments are well fenced and 40 per cent fairly well improved; the improvements consisting of a house, implement shed, well, and fences. The returned students who have reached middle age, as a rule, are farming and working at their other trades, and are self-supporting.

These Indians do not receive large sums of money, but are using the money to fairly good advantage in purchasing living necessities, teams, wagons, agricultural implements, etc., and in placing general improvements on their land.

The issuance of patents in fee to young Indians usually results in the allottee selling the land and spending the proceeds recklessly. It is safe to say that 90 per cent of the land upon which patents in fee have issued is sold, and 75 per cent of the proceeds squandered. In most cases the Indians receive a fair price for the land when sold.

The citizen Potawatomi are well advanced in civilization and have more white than Indian blood. The majority of them are competent to receive patents in fee and take upon themselves the full burden of citizenship.

The Shawnee Tribe is divided into two bands—White Turkey and Big Jim Bands. The former band is on the whole progressive and have received allotments in a fertile section of the country. The latter is not progressive, apparently shunning every form of civilization. Only a few of this band of Shawnees are sufficiently well qualified to receive patents in fee.

The Kickapoo Tribe as a whole is nonprogressive and has opposed schools, advancement, and civilization in nearly every way. Few members of this tribe, if any, are competent to receive patents in fee.

The citizen Potawatomi are the most advanced of the three tribes, yet about 75 per cent of the allottees who have received fee patents sold their lands, and 50 per cent of them spent the proceeds and have little left.

About 85 per cent of the Shawnee allottees have received patents in fee and 40 per cent have sold their lands and have none of the proceeds left.

#### SCHOOLS.

The Government provides one boarding school with a capacity of 125 and an average enrollment during 1911 of 117. During the quarter ending March 30, there were 126 pupils enrolled in this school, distributed by degree of blood as follows:

Full blood.....	52
Three-fourths blood.....	14
One-half blood.....	14
One-fourth blood.....	23
One-eighth blood.....	23

Twenty-four of these were orphans, 42 had one parent living, and 6 had parents living who were separated, and who use the school as a place to leave the children without trouble to themselves. Of this total enrollment all are said to live within 2 miles of a public school. Those children with any large degree of Indian blood will not attend public schools. A number of the children enrolled could be placed in public schools, and this is being attempted. Practically all of the Pottawatomies can be cared for elsewhere, and their places should be

taken by full-blood Shawnees and Kickapoos who have never been to school at all, of whom there are more than 100. The school was run during the year 1911 at a total cost of \$25,188.06.

The per capita cost for employees, exclusive of the superintendent, is \$68.48, which is not high for a school of this size. The total per capita cost, excluding the superintendent's salary, is \$215.28, which is rather high, due largely to the fact that the pupils have not attended regularly. It is quite customary for the parents to take their children out for one, two, or three weeks, or as long as the clothes last, before they are returned.

In addition to the Government boarding school the mission and public schools are ample to care for all the children under this jurisdiction.

#### HEALTH.

The general health and sanitary conditions upon the reservation among these Indians are good. The number of births among them, including those off the reservation, was 125 as compared with 34 deaths. More deaths were due to tuberculosis than any other disease. There was a slight epidemic of whooping cough among the pupils which was stamped out by isolating the children. There was also an epidemic of measles of a mild type in the school.

Forty-one of one hundred and seventeen children in school were found to have trachoma. They were all operated upon by a special trachoma physician. Trachoma exists among the Indians in camp, and there is danger of these children who have been cured again becoming infected when they return to the camp.

Much of the prejudice against white doctors has disappeared and a large per cent of the Indians are calling regularly licensed physicians. There are yet a few who will take treatment from none other than an Indian doctor.

There is one physician at \$400 per annum employed at the school under contract who also attends the adult Indians when called upon.

The superintendent of the Sac and Fox jurisdiction with headquarters at Sac and Fox Agency, near Stroud, Okla., has under him two tribes, as follows:

Sac and Fox.....	453
Iowa.....	79

An aggregate of..... 532

All of these Indians are within the limits of this jurisdiction. This number does not include children away at nonreservation schools.

• Under this jurisdiction there were originally allotted 96,288.64 acres, of which 54,665.57 acres, or 56.7 per cent, are still held under trust patent.

	Total acreage allotted.	Remaining under trust patent.	
		Acreage.	Per cent.
Sac and Fox.....	87,683.64	50,208.10	57.2
Iowa.....	8,605.00	4,457.47	51.7
Total.....	96,288.64	54,665.57	56.7

The superintendent reports as still belonging to the Indians 54,410.31 acres, valued at \$22 per acre, or a total of \$1,200,237. This land is scattered over an area of nearly 1,100 square miles.

The Government property for which the superintendent is responsible is valued at:

Agency property.....	\$14,881.46
School property.....	39,618.00
Total.....	54,499.46

The total expense for running this superintendency during the fiscal year ending June 30, 1911, was \$28,270.90, of which \$12,434.79 was for agency purposes and \$15,836.11 for school purposes.

These expenditures were made from the following funds:

Agency:

Fulfilling treaties with Sacs and Foxes of the Mississippi in Oklahoma.....	\$1,230.93
Buildings at agencies and repairs, 1911.....	622.00
Contingencies, Indian Department, 1911.....	3,453.02
Telegraphing, transportation, etc., Indian supplies, 1911.....	714.35
Industrial work and care of timber, 1911.....	2,568.75
Interest on Sac and Fox of Mississippi fund, act Mar. 3, 1909.....	3,839.24
Relieving distress and prevention of diseases among Indians, 1911....	6.50

Total.....	12,434.79
------------	-----------

School:

Indian schools, support, 1911.....	13,499.44
Indian school buildings, 1911.....	1,551.91
Indian school transportation, 1911.....	68.55
Miscellaneous receipts, Class IV.....	509.83
Relieving distress and prevention of diseases among Indians, 1911....	121.63
Indian moneys, proceeds of labor.....	84.75

Total.....	15,836.11
------------	-----------

The purposes for which these amounts were expended were as follows:

Agency:

Regular employees.....	\$8,088.00
Irregular employees.....	684.00
Repairs.....	622.00
Heat, light, and power.....	53.50
Stationery.....	185.61
Hardware, furniture, etc.....	254.67
Medical supplies.....	168.06
Live stock.....	350.00
Forage.....	537.99
Transportation of supplies.....	686.50
Traveling expenses.....	472.62
Telegraphing and telephoning.....	27.85
Miscellaneous.....	303.99

Total.....	12,434.79
------------	-----------

School:

Regular employees.....	7,221.78
Irregular employees.....	388.05
Repairs.....	1,582.56
Heat, light, and power.....	528.54
Subsistence.....	2,221.95
Dry goods.....	1,952.19
Hardware, etc.....	554.66
Furniture, etc.....	700.77
School-room supplies.....	101.19

61088

## School—Continued.

Medical supplies.....	\$48. 72
Live stock.....	25. 00
Forage.....	361. 84
Transportation of pupils.....	68. 55
Stationery.....	13. 27
Miscellaneous.....	67. 04
Total.....	15, 836. 11

## CONDITIONS AS TO INDUSTRY AND SELF-SUPPORT.

Of 402 allotments under this jurisdiction, 301 comprising 40,684 acres, were leased during 1911 through departmental control at an annual rental of \$39,937. Thirty-nine allotments, 3,848 acres, were leased by the Indians direct without departmental control, the annual rentals for which was \$7,475; 62 of the allotments were worked or used by the Indians. The average rental per acre procured by the Indians was \$1.94 as compared with \$0.98 procured through the superintendent. This difference is probably largely due to the fact that the value of improvements required of lessees under leases made through the superintendent is not reported.

Much of the land leased is either heirship land or belongs to married women or to children.

There are about 105 Indians farming for themselves 8,427 acres. The crops raised by them during the fiscal year 1911 were valued at \$32,693.77, as follows:

Hay.....	\$5, 784. 00
Grain.....	5, 635. 00
Vegetables and miscellaneous.....	21, 274. 77

One hundred and forty-eight of the Indians own stock as a partial means of support. Their stock is valued at \$31,887.75, distributed as follows:

Horses, mules, etc.....	360
Cattle.....	53
Swine.....	142
Poultry.....	2, 310

Few of the Indians devote themselves to stock raising on a satisfactory scale. There is an increase in the number taking up this line in connection with general farming but too many have no desire for stock because it requires constant care and keeps them at home when they want to visit or attend dances.

Seven of the Indians were employed by the Government, earning an aggregate of \$2,350.45.

Sixty-five of the able-bodied adult Indians support themselves entirely by their own industry and thrift; 191 others make an effort at self-support, but are not entirely self-supporting. Of the latter, 171 have, however, sufficient individual Indian moneys or receive rentals from lands, etc., sufficient to make up the deficiency.

Twenty-four of the able-bodied adult Indians make no effort at self-support whatever; 20 of these receive moneys, rentals, etc., sufficient for their maintenance.

The value of the individual property owned by these Indians is as follows:

Lands.....	\$1, 200, 237. 00
Timber.....	1, 500. 00
Funds in bank and in hand of disbursing officer.....	95, 740. 37
Indian homes, barns, corrals, etc.....	130, 358. 50
Furniture in Indian homes.....	15, 457. 50
Tools and agricultural implements, etc.....	33, 752. 50
Wagons, vehicles, etc.....	9, 172. 50
Live stock, poultry, etc.....	31, 887. 75
Total.....	1, 518, 126. 12
Tribal funds in Treasury.....	651, 533. 41
Grand total.....	2, 163, 300. 13

Due to dry weather, all crops were complete failures in 1911, except cotton, and that was far short of average yield. Many fruit trees on the allotments died for want of moisture, and those that still live were damaged. Even many forest trees died.

Much work remains to be done in getting these Indians to improve their allotments and supply themselves with necessary furniture, implements, stock, etc., to make a start, and, where the Indians have no funds, getting the Indian to dispose of his inherited land for the purpose of getting that start.

Nearly all the allotments are fenced.

Most of the Indians indulge in old-time dances, frequently wasting much of the time they should be devoting to their farms and stock.

A great deal of work remains to be done in taking testimony for the determination of heirs.

Nearly all the Indians now make good use of their lease money. More of this money goes to procuring proper implements, improvements, etc., than when it was advanced to them unrestricted. Their annuities are used to settle store accounts, etc., as many of the Indians will go into debt to a certain extent despite warnings given. In a few cases the money is absolutely squandered, but this condition is found among the few who do nothing but loaf and gamble.

One hundred and two fee patents, covering 11,544 acres, have been granted to these Indians. Thirty-two of these patents covered entire original allotments, 14 covered entire inherited allotments, 51 covered one-half or less original allotments, and 5 part of inherited allotments. Most of these fee patents have issued to mixed bloods of more than average intelligence. There are a few exceptions where fee patents have issued to those with a greater degree of Indian than white blood.

As a rule, when these Indians ask for a patent in fee, their sole object is to sell the land, as they can dispose of the proceeds of the sale free from supervision. Frequently, some creditor induces them to make application for patent in fee.

As a general rule, lands patented to those Indians under this jurisdiction who have more Indian than white blood are sold and much of the proceeds squandered. Practically all tracts patented to Indians, full blood or nearly so, are sold. Generally a portion of the funds is used for improvements on the allotments, in the purchase of teams, implements, etc., but a large portion is generally idled away. In most cases the Indians have received fair values for the lands sold by them.

## SCHOOLS.

The Government provides one boarding school with a capacity of 75, and an average enrollment during 1911 of 89.

Under this jurisdiction there are 176 children of school age eligible for school attendance.

Of these there are enrolled in—

Nonreservation boarding schools.....	25
Reservation boarding schools.....	89
Mission boarding schools.....	2
Public schools.....	58
<b>Total .....</b>	<b>174</b>
Eligible children not in school.....	2

There are public district schools ample for all the children under this jurisdiction, but the terms are very short and divided, and generally the teachers are young and inefficient, except away from the Indian community where there is sufficient taxable land to warrant the expense of long terms and good salaries.

In some sections there are objections to the Indian children attending public schools, principal of which are that the Indian children have sore eyes, are unclean, etc. In some cases these reasons hold good, but on the whole there are few who do not make as presentable appearance as the whites.

The Government boarding school here was run during the fiscal year 1911 at a total expense of \$15,836.11.

Per capita cost for employees, exclusive of superintendent's salary.....	\$67. 94
Total per capita cost, exclusive of superintendent's salary.....	173. 00

This is a reasonably low expenditure for such a small boarding school.

## HEALTH.

The sanitary conditions in the Indians' homes is generally good and the Indians show a willingness to comply with any suggestions made with reference to improving their sanitary and hygienic surroundings.

There is a physician employed at \$1,000 per annum to attend these Indians. During the fiscal year 1911 he visited every Indian home and vaccinated all who were in need of it.

There have been no epidemics nor infectious or contagious diseases for several years.

In addition to attending the reservation Indians, the physician must look after the health of the school children and the sanitary conditions of the school and reservation.

A hospital and nurse are badly needed, as there are no means of properly treating the old and infirm and many chronic and acute cases of illness. The physician was compelled to put an Indian suffering from a gunshot wound in the shoulder in an old shanty of only one room, in which they cooked, ate, and slept, where he was not properly protected from the heat of the sun, swarms of innumerable flies, and friends and relatives crowding around him. This Indian's wife had to be treated through two cases of abortion at their tepee, 25 miles from the agency, under similar conditions and surroundings. During the last few years there have been quite a number of similar cases and conditions to contend with. While these cases recovered nicely, such treatment can not always result satisfactorily. If a hospital and nurse

were provided, quite a number of the pupils could be instructed in the proper care of the sick, of which they now have no conception.

Other points raised by Mr. Bentley were: That the Congress was appropriating for a large number of Indians supposed to be under this jurisdiction but who really were not there; that the Indians of these superintendencies, and the Shawnee in particular, were being oversupervised; that this oversupervision had caused the Indians to lose interest in their affairs; that they were retrograding rather than progressing and have now only 20 per cent of the property they had 15 years ago; that the children go to white schools rather than to the Indian schools. His general summing up of the situation was: That the agencies should be abolished and the Indians turned loose to manage their own affairs with restrictions as to alienation of their land.

From the facts the office has before it as shown above these contentions are generally disproved though it seems probable that there is too much supervision over the Indians' leasing matters and that more of the Indians might be permitted to lease their lands free from departmental control and thereby gain the experience in business matters.

The necessity for the retention of the Sac and Fox and Shawnee schools is apparent, and the expenditures are not high for schools of their size.

The following are the present agency salary lists of these two superintendencies:

Positions.	Salary per annum.	Positions.	Salary per annum.
<b>SHAWNEE.</b>		<b>SAC AND FOX.</b>	
1 financial clerk.....	\$800	1 financial clerk.....	\$1,000
1 stenographer and typewriter.....	900	1 stenographer.....	840
1 lease clerk.....	900	1 lease clerk.....	800
1 additional farmer.....	900	1 assistant clerk.....	720
Do.....	760	1 physician.....	1,000
1 field matron.....	600	1 blacksmith.....	720
Do.....	300	1 assistant blacksmith.....	400
1 laborer.....	300	1 expert farmer.....	1,200
1 chief of police.....	300	1 additional farmer.....	720
2 police privates, at \$240.....	480	1 constable.....	540
		1 laborer.....	540
Total.....	6,260	Total.....	8,480

It is not believed that the affairs of these superintendencies can be properly conducted if these salary lists are reduced. These matters will be further investigated on the ground to ascertain if a reduction is possible. A supervisor will be in this vicinity within a very short time and all these matters will be turned over to him for investigation and report thereon.

In view of the extensive areas covered by these jurisdictions, the number of Indians under them, the work of determining the heirs of deceased allottees, the great amount of leasing of allotments, and the work necessary in the endeavor of the office to get the Indian busy farming and improving his land, it is not believed advisable to abolish either superintendency or consolidate the work of both under one superintendent.

Respectfully,

R. G. VALENTINE,  
Commissioner.

×

246

C. A. H.







**This book is under no circumstances to be taken from the Building**

[illegible]

form 410

QDWE 2815W



